



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
134 Newton Sparta Road
Andover, NJ 07860
MINUTES
September 7, 2021
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:31 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 to be conducted in-person only at the Municipal Building, located at 134 Newton Sparta Road, Andover, NJ 07860. 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 notice of this meeting has been provided, with an electronic copy posted on the Andover Township website at www.andovertwp.org.

ROLL CALL:

Janis McGovern – Present
Eric Olsen – Present
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Present
CeCe Pattison – Present (7:35pm)
Richard Skewes – Absent
Steven Kepreos – Excused
Joseph Ordile – Present
Joseph Tolerico – Present
Eric Karr – Excused
Paul Messerschmidt – Present

Also Present:

Richard Briigliodoro, Esq.

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: August 17, 2021

A motion to approve the minutes as presented was made by Mr. O’Connell and seconded by Ms. Howell. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, Joseph Ordile – yes, Joseph Tolerico – yes. Motion passed.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS:

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

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

Mr. Messerschmidt advised the Board Mr. Gary Kraemer, attorney for the applicant had sent a letter requesting to carry the hearing to a meeting date in October. Mr. Kraemer sent a second letter granting an extension of time to the Board through October 31, 2021. The Board discussed which meeting date to carry the hearing to.

A motion to carry the hearing to October 5, 2021 to be held at the Municipal Building with no further notice was made by Mr. O’Connell and seconded by Ms. Howell. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

ORDINANCES: None.

OLD BUSINESS:

1.) Proposed Zoning Map Changes

The Board Secretary gave the Board Members a copy of the Zoning Map with the proposed changes indicated on it. The Board Secretary went over the proposed changes with the Board. The area marked Newton Airport within the zones marked as CI and CR/A-2 required further discussion as there were no suggestions for these zones. Mr. Briigliodoro said the fact that the Board was recommending changes would have no effect on the pending applications in those zones because it will have to go through the ordinance and Master Plan process and that will be a long way down the road and the “Time of Application Rule” would take effect.

The Board Secretary said the proposal is to remove all of the airport zones except the area of the Areoflex Airport property.

Mr. O’Connell said the MFR (Multi-Family Residential) zone was proposed to be remove. There was a discussion on the MFR zone. There was a discussion on changing the SR (Special Residential) zone. Mr. O’Connell said it’s been about 20 years since the SR zone was put in place and there has been no activity within the zone. The Board Secretary advised there are zones

listed on the Permitted Uses list from the ordinance that do not appear on the Zoning Map. Mr. Briigliadoro said the Zoning Map should be consistent with the zoning ordinances. He suggested letting the Planner look at it.

Mr. Messerschmidt suggested the C/I (Commercial Industrial) zone along Stickles Pond Road stay as C/I as the HC (Highway Commercial) zone has more permitted uses. Mr. Ordile requested more time to decide what to do with those two areas. Mr. Messerschmidt suggested the Board consider what they want to do with the C/I and CR/A-2 (Community Recreational/ Airport-2) zones along Stickles Pond Road and the Board will revisit the issue. There was a discussion on the permitted uses in various zones and the variances that have been granted in those zones. Mr. Messerschmidt said the Board needs to consider how many times a particular variance has been granted for a particular zone. If there are many variances, then the Board should consider adding it as a permitted use.

Mr. Olsen suggested using a conservation zone. The Board Secretary suggested having the Board Planner weigh in on that and felt the public zones should be zoned as "Public". Mr. Messerschmidt felt the parks and public areas should be indicated as Public on the map however; the underlying zone should remain in case the land is sold in the future. He felt it is an archaic way of zoning and could cause spot zoning.

Mr. Messerschmidt asked the Board to consider what they felt the old Newton Airport should be zoned as. He suggested the Board look at the current permitted uses and the permitted uses of other zones to see what they felt is most appropriate for the area.

NEW BUSINESS:

1.) Return of Escrow Money for RUPA Management

Mr. Messerschmidt said the Board Secretary had compiled a checklist for the return of escrow money. The Board Secretary went over the checklist with the Board. Ms. McGovern asked for future checklist to include dates.

A motion to refund the remaining escrow money to the applicant was made by Mr. O'Connell and seconded by Mr. Olsen. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

The Board Secretary explained the escrow accounts had been neglected over the years and how she will clean up the remaining old escrow accounts and how they will be maintained to keep this from happening in the future.

2.) 2022 Budget

The Board Secretary handed out a budget worksheet. There was a lengthy discussion on the budget for the Master Plan. The Board discussed each line item and came up with a proposed budget to send to the Finance Department. There was a discussion on the Board Professionals contract with the "not to exceed" amount. There was a discussion on moving funds between line items. Mr. O'Connell said that is something that is done at the end of the year by the

Township Committee. The Board proposed a budget however; it will need some additional information prior to sending it to the Finance Officer.

Mr. Messerschmidt thanked Ms. Howell for chairing the last meeting.

LIAISON REPORTS:

Township Committee – Janis McGovern

Ms. McGovern said the Township Committee pulled the resolution for the Redevelopment Study from the consent agenda at their last meeting. She said according to the Township Attorney, the proposed lot the Land Use Board wanted to add to the study could not be added without a new study being done. Ms. McGovern thought the Land Use Board was supposed to draft a separate resolution.

Ms. McGovern added that one Committee Member wanted the resolution to address that there would be no tax abatement for the properties in the area in need of redevelopment.

Mr. O’Connell said the property in question is landlocked behind the lot which was included in the study.

Mr. Briadoro explained the process to the Board. He said the Land Use Board took two votes; one for the lots included in the study and one for the Township Committee to consider the additional lot to be added. He said the Township Committee would have to pass a resolution recommending the additional lot be studied and then added to the plan.

Ms. McGovern felt there would be a tremendous amount of work involved to add the lot. The Township Committee is writing a letter to the property owner. Ms. McGovern felt the property owner may have been under the impression the property would be included in the study.

Ms. McGovern said the Township Committee is discussing what should be done with the Barn since it is in need of major repairs. She asked if the Open Space Subcommittee and the Master Plan Subcommittee could add a question to their public surveys about the future of The Barn to get input from the residents.

Environmental Commission – Suzanne Howell

Ms. Howell said they have not met. Mr. Olsen said the Open Space Subcommittee is working on the survey. Ms. Howell said they are planning a “meet and greet” with the public.

Sustainable Andover – Eric Olsen

Mr. Olsen said Sustainable Andover is resubmitting for their certification and have already implemented improvements with the public and have been awarded points towards their recertification.

Mr. Olsen gave an update on the Sunflower Experience and said it was received with mixed reviews.

Economic Development Committee – John Carafello

Mr. Carafello was not present to provide a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt said this was discussed at length earlier.

Redevelopment Project – Joseph Ordile

Mr. Ordile advised that since the study was approved, the next step is to compile a plan. Mr. Brigliadoro explained the next steps in the process. Mr. Ordile said he will schedule the Subcommittee to meet with the Planner to get the plan underway.

Master Plan Review – Joseph Ordile

Mr. Ordile said there was a request of the Subcommittee to outline in writing the need to send the “Request for Proposals” out to bid. He handed out a letter he drafted requesting authorization from the Board to send the RFP out to bid. There was a discussion as to if there is a need to send it out to bid. Mr. Messerschmidt said the Subcommittee needs to figure out what the cost of the RFP would be.

A motion to allow the Master Plan Subcommittee to create an RFP and send it out to bid was made by Mr. Ordile. With no second, Mr. Ordile withdrew his motion.

There was a discussion on having a full Master Plan done and who would be drafting it. The Board discussed using the Board Planner or going out for bid and the possible cost of both options. There was a discussion on what needs to be included in the Master Plan.

A motion to design an RFP, send it out to invited consultants and post it on the Township website was made by Mr. Olsen and seconded by Ms. Howell. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

VOUCHERS: None.

CORRESPONDENCE:

- 1.) From: Gary Kraemer, Esq.
Re: Richard Jump Application – Request to Carry Hearing
- 2.) From: Gary Kraemer, Esq.
Re: Richard Jump Application – Granting Extension

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public and 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.

Ms. Diane Gillespie of 115 Andover Mohawk Rd, Andover, NJ 07860 said she enjoyed the conversation on possible zoning map changes. She requested a copy of the proposed map. She said she wanted to be part of the meeting and was lost in the conversation.

Ms. Gillespie asked Mr. Briigliodoro for a legal reason for not rezoning public lands as "Public". Mr. Briigliodoro said the Planner should address all of the proposed zone changes and the uses in each zone.

Ms. Gillespie felt there was a miscommunication between the Land Use Board and Township Committee with regards to the Redevelopment Study and the lot that was being proposed to be added to the study. Ms. McGovern agreed.

UPCOMING MEETINGS: September 21, 2021, October 5, 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