



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Municipal Building  
134 Newton-Sparta Rd  
Andover, NJ 07860  
Minutes  
December 7, 2021  
7:30 p.m.

**CALL TO ORDER:**

Mr. Messerschmidt called the meeting to order at 7:30pm.

**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](http://www.andovertwp.org).

**ROLL CALL:**

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

**Also Present:**

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

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** None.

**RESOLUTIONS:**

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

A motion to approve the resolution with the noted correction was made by Mr. Skewes and seconded by Ms. Howell. Roll Call: Suzanne Howell – yes, John Carafello – yes, Richard Skewes – yes, Eric Olsen – yes, Joseph Ordile – no.

**COMPLETENESS REVIEWS:**

1.) Ballantine Woods, LLC B: 7, L: 10.03 A21-5

Ms. Howell recused herself and stepped down from the dais for this matter.

Mr. Stoner said the application a final major subdivision for Phase B of Ballantine Woods. He said the application is to break Phase B into a Phase B and Phase C. Phase B would be for a final subdivision and the applicant is asking for an extension for preliminary subdivision for Phase C. Mr. Stoner said he had a discussion with the Board Attorney and it was agreed the applicant could move forward in this manner. He said there are 19 lots in Phase B with nine (9) of the lots being in the new Phase B and ten (10) in Phase C. He recommended the Board deem the application complete.

Mr. Ordile asked for clarification on what the applicant was seeking.

Mr. Molica swore in Mr. Deacon, owner of the Ballantine Woods project.

Mr. Deacon explained the open space, which was dedicated to the Township. Mr. Ordile asked about the road dedication, which Mr. Stoner explained to the Board. Mr. Deacon gave a history of Ballantine Woods Way. There was a discussion on when the Township would take over the road.

Mr. Olsen asked if the new stormwater regulations would apply. Mr. Stoner said the project is grandfathered under the old regulations since the project was started before the new regulations took effect.

A motion to deem the application complete was made by Mr. Carafello and seconded by Mr. O'Connell. Roll Call: Eric Olsen – yes, John Carafello – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

Ms. Howell rejoined the Board and returned to the dais.

2.) Larick, John B: 151, L: 19 A21-6

Mr. Stoner went over his report. He said the application is only for a use variance. He went over the checklist items and read the description of the proposed application. He said the applicant has submitted a conceptual plan.

Mr. Carafello recused himself from the Board due to the use variance request and left the dais.

Mr. Stoner went over the requested waivers with the Board. Mr. Stoner said one administrative item that was not complete is the payment of property taxes. He said he reached out to the applicant's attorney who reached out to the property owner's attorney about the matter. Mr. Stoner was told the property taxes would be paid the next day.

Mr. Ordile asked for clarification on the orientation of the front and side yards. Mr. Molica said the questions Mr. Ordile had were for the public hearing.

Mr. Olsen asked if the use requires a traffic study even though it is not part of the checklist. Mr. Molica said Mr. Stoner will be issuing a technical report and could request it. There was a discussion on how to advise the applicant for the need for a traffic study.

A motion to deem the application incomplete on the basis taxes have not been paid was made by Ms. Howell and seconded by Mr. O'Connell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

The matter will be relisted for the December 21, 2021 meeting and the Board will revisit a completeness determination at that date.

**HEARINGS:**

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 office building and provide all necessary*

*subsurface and surface stormwater facilities and provide other site features. The runway will be maintained and used for access and storage.*

Mr. Messerschmidt said this was an administrative hearing to determine the location and date of the next hearing for BHT Properties Group. He said the Board has received correspondence from the applicant's attorney stating they could not find an alternative location.

Mr. Ordile asked if the Board could find out what witnesses they intend to put on the record and in what order that will take place. Mr. Molica said he would try to find out from Mr. Thomas. Mr. Molica said Mr. Thomas has requested the hearing be carried to the December 21, 2021 meeting located at The Hillside Barn, 146 lake Iliff Road, Andover at 7:30pm with no further notice by the applicant to the surrounding property owners.

A motion to carry to Tuesday, December 21, 2021 at 7:30pm to be held at The Hillside Barn, 146 lake Iliff Road, Andover with no further notice to be provided by the applicant to the surrounding property owners within 200 feet was made by Mr. O'Connell. It was seconded by Ms. Howell and passed with everyone saying aye.

Mr. Carafello returned to the dais and rejoined the Board.

**ORDINANCES:** None.

**OLD BUSINESS:**

1.) Return of Unused Escrow

The Board Secretary handed out a chart of two applications that were completed with remaining escrow funds. She said she received confirmation from the Board Professionals that they are done billing against the accounts.

A motion to return the funds in the escrow account for Peapack-Gladstone Bank/ Kirby was made by Mr. Olsen and seconded by Mr. O'Connell. Roll Call: Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

Mr. Olsen asked if AG Pizza had fulfilled the conditions of the resolution. Mr. Ordile asked if the two conditions; the removal of the water tank and the screening of the generator, were completed. Mr. Stoner said they did screen the generator however; the plantings were dying. He said he was told the tank was removed.

Mr. Messerschmidt noted there was an indoor fire pit on the porch. He also noted there were supposed to be two parking space designated for pickup. Mr. Stoner will re-inspect the property for the noted issues. The Board agreed not to return the unused escrow for LAC Realty.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee*** – Janis McGovern

Ms. McGovern was not present to give a report.

***Environmental Commission*** – Suzanne Howell

Ms. Howell had nothing to report.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen had nothing to report.

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

Mr. Carafello had nothing to report.

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

Mr. Messerschmidt had nothing to report.

***Redevelopment Subcommittee*** – Joseph Ordile

Mr. Ordile had nothing to report.

***Master Plan Subcommittee*** – Joseph Ordile

Mr. Ordile said he was hoping to speak to Mr. Briigliodoro regarding the legal forms that he provided for the RFP. Mr. Molica said he did speak with Mr. Briigliodoro about the forms and Mr. Briigliodoro has not changed his position.

**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 present, the meeting was closed to the public.

**UPCOMING MEETINGS:** December 21, 2021, January 4, 2022

Ms. Howell noted the Land Use Board reorganization meeting would be held prior to the Township Committee's meeting. She said there would only be four members who could attend and vote. Mr. Ordile suggested moving the reorganization meeting to January 11, 2022.

There was a discussion on scheduling the Ballantine, Larick and the presentation of the Open Space Plan for the upcoming meetings.

Mr. Carafello said he would talk to the Township Clerk about moving the Township reorganization meeting prior to January 4, 2022. The Board will decide on December 21, 2021 on the scheduling of the hearings and Open Space Plan presentation.

**EXECUTIVE SESSION:** Professional Services

Mr. Molica and Mr. Stoner left the Board.

A motion to go into executive session to discuss professional contracts for 2022 was made by Mr. O'Connell and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

A motion to come out of executive session was made by Mr. O'Connell and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

**ADJOURNMENT:**

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

Respectfully submitted,

Stephanie Pizzulo  
Land Use Board Administrator