



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road

MINUTES
May 21, 2024
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:31pm.

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led everyone 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 Rd., 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:

Michael Lensak (Class I) - Present
Eric Olsen (Class II) – Excused
Eric Karr (Class III) – Present
Suzanne Howell (Class IV – Vice Chair) – Present
Richard Skewes (Class IV) – Present
Joseph Ordile (Class IV) – Present
Krista Gilchrist (Class IV) – Present
John Carafello (Class IV) - Present
Sean Degan (Alternate) – Present
Karen Rozek (Alternate) - Excused
Paul Messerschmidt (Class IV - Chair) – Present

Also Present:

Richard Briigliodoro, Esq.
Cory Stoner, PE

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: April 16, 2024

A motion to approve the minutes of the April 16, 2024 meeting was made by Ms. Gilchrist and seconded by Ms. Howell. Roll Call: Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS:

1.) Seegull, LLC B: 108 L: 4.01 Application # 24-2

Preliminary and final site plan approval with “c” variance relief to permit the construction of a concrete batch plant in the matter of Seegull, LLC d/b/a Sparta Redi-Mix Concrete Plant.

Mr. Ordile asked when the Board would receive the spill prevention plan. Mr. Stoner said it would be submitted to him and he would approve it as part of the resolution of compliance.

A motion to memorialize the resolution in the matter of Seegull, LLC d/b/a Sparta Red-Mix Concrete Plant was made by Mr. Skewes and seconded by Ms. Gilchrist. Roll Call: Suzanne Howell – yes, Krista Gilchrist – yes, John Carafello – yes, Richard Skewes – yes, Paul Messerschmidt – yes. Motion carried.

2.) Area in Need of Redevelopment B: 103 L: 2 & 3.02

Recommendation that the Township Committee of Andover Township designate the study area as a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law under N.J.S.A. 40A:12A-1 Et. Seq.

A motion to memorialize the resolution in the matter of An Area in Need of Redevelopment for Block 103, Lots 2 and 3.02 was made by Ms. Howell and seconded by Mr. Skewes. Roll Call: Richard Skewes – yes, Michael Lensak – yes, Krista Gilchrist – yes, Suzanne Howell – yes, Joseph Ordile – yes, John Carafello – yes. Motion carried.

COMPLETENESS: None.

HEARINGS: (All submitted materials can be found under the Land Use section on the Township website www.andovertwp.org.)

1.) Ballantine Woods B: 7 L: 10.03, 10.05 Application # A24-3

The applicant is seeking final major subdivision approval for ten (10) lots which have preliminary subdivision approval and one open space lot to be dedicated to Andover Township. The ten (10) lots are for future single-family homes.

Mr. William J. Lovas, Esq. was representing the applicant. He said they have received the preliminary approval and they were now seeking final subdivision approval.

Mr. Briigliodoro swore in Ms. Mary Ann Deacon.

Mr. Stoner said this was the third phase of the subdivision of Ballantine Woods. He said Phase A was done a while ago and in 2022 Phase B was approved with 9 lots and Phase C completes the subdivision. He explained the work that had been completed to date. He said they would need to file the plat for the final phase and then perfect the completion of the other phases. Mr. Stoner said the deed for the open space that was to be dedicated to the Township had not been filed with Phase B and felt it should be filed with that phase. He discussed the temporary easements. He discussed the dedications to the Township and what still needs to be completed. He requested a letter from the Fire Department that the fire suppression tank had been tested and is in working order.

Ms. Deacon said the tank had been filled and tested by the Fire Department. She said she would get the letter Mr. Stoner requested.

Mr. Stoner said the deeds were submitted and would be reviewed by his office. Mr. Briigliodoro said either his office or the Township Attorney's office would review the deeds as well.

Mr. Lensak asked about the number of detention basins. Mr. Stoner said there were two. Mr. Stoner said the calculations on the basins were reviewed by the prior Board Engineer. Mr. Lensak asked who owns the fire suppression tank to which Mr. Stoner said the Township owns it and would have to maintain it.

Mr. Ordile asked if the property owners within 200 were notified of the Phase C application to which Mrs. Deacon said no. Mr. Briigliodoro said there is no requirement under the Municipal Land Use Law for notice on final subdivision. Mr. Ordile asked if lot 10.03 was dedicated to the Township to which Mr. Stoner said that was his comment earlier and explained it was on the Phase B and Phase C maps. He said the Phase B plat was already filed with that dedication. Mr. Ordile asked about the easement near lot 10.13 for road purposes and asked what those road purposes are. Mr. Stoner said they are for site distances. Mr. Ordile asked who is responsible to

maintain that to which Mr. Stoner said it would be the responsibility of Andover Township. Mr. Stoner explained the easement. Mr. Ordile asked about the interceptive drain on lot 10.10.

Mr. Brigliadoro swore in Mr. Phil Deacon.

Mr. Deacon said the drain catches water from the hill before it hits the roadway. Mr. Ordile asked if the driveway goes over the drain to which Mr. Deacon said yes. Mr. Ordile asked if there would be any changes made to the infiltration basin to which Mr. Deacon said no. Mr. Deacon said the Environmental Commission added some plantings to the basin.

Mr. Messerschmidt opened the meeting to the public. With no public coming forward, the meeting was closed to the public.

A motion to approve the final subdivision with the noted conditions was made by Mr. Lensak and seconded by Ms. Howell. Roll Call: Michael Lensak – yes, Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Sean Degan – yes, Paul Messerschmidt – yes. Motion carried.

2. Scully, Daniel B: 119 L: 8 Application # A23-10

The applicant is proposing a two-story wood frame addition to the front of the house. No additional bedrooms to be added. The addition is in the front-yard setback.

Mr. Michael Hanifan, Esq was representing the applicant.

Mr. Brigliadoro sworn in Mr. Douglas Dykstra, PP, LS, and Mr. Daniel Scully, property owner. Mr. Dykstra affirmed his licenses were current.

Mr. Dykstra said they were seeking a c1 variance for a 442-foot addition to the existing house located at 14 Luchetti Way. He said the lot is 3.029 acres, the existing structure is from 1903 and was built in very close proximity to the road. He said the extension would be off of the front line of the house. The existing house is 14.3 feet off of the right-of-way line, the addition would be at a slight angle to the existing house and would be 16.4 feet off of the right-of-way line. The house is located in the front yard setback and is a pre-existing, nonconforming condition and the applicant is intensifying that condition.

Mr. Dykstra presented a map entitled Presentation Plan for Variance with a date of 5.21.24 which was marked and entered as exhibit A-1. He testified that the house was built in 1903, the roofline and structure of the house forced the location of the addition into the front yard, the

septic is in the backyard, the road sit quite a bit higher than the house and the addition would not impact any more negatively than the existing house does.

Mr. Scully said he was representing Scully Properties and gave a background of the property and how he acquired it. He said he saw the old dilapidate farmhouse which was surrounded by woods and bought it and renovated it. He said he owns Scully Travel and the Air BnB short term rental fills a need for wedding guests from Perona Farms. He almost always gets families and only on weekends. He said the one downfall is there is no game room and wanted a 20' X 22' room for games and a bar. He does not have groups larger than 20 people and does not rent to people under 25 years of age. He wanted to keep the roofline equal. He said it is not a rental apartment and the addition is not a bedroom.

Mr. Dykstra said the closest house is about 350 feet away, there is a 100-foot wide JCP&L power line easement with vegetation along the edge of the right-of-way, and the neighborhood would not be negatively impacted. He felt the overall impact on the zone plan is not negative.

Mr. Stoner went over his report dated January 16, 2024 and said the project is intensifying the non-conformity with the addition being in the front yard setback. Mr. Stoner's report questioned if the addition would be another rental to which Mr. Scully testified the addition would only be a game room. Mr. Stoner asked if there was a way to add the addition without needing the bulk variance. Mr. Scully said the front of the house faces the woods. Mr. Dykstra said the septic is 33 feet away so technically it could be moved in another eight feet however; the structural layout of the interior would make the addition look awkward. Mr. Stoner asked about the septic system and said the County records show a three bedroom septic. Mr. Scully said it is a three bedroom septic and when he found that out; he removed a wall to make the house a three-bedroom house. He said he got a permit for that and it was approved. He said it was a four bedroom when he purchased it.

Mr. Dykstra presented an updated second floor plan with a date of 2/24/24 which was marked and entered as exhibit A-2. Mr. Stoner requested an updated plan and an approval letter from the County Health Department acknowledging the change.

Mr. Carafello asked how far off the rear property line the addition was. Mr. Dykstra said 14 to 16 feet. Mr. Dykstra said the house faces the rear yard.

Mr. Ordile asked what the intent of the loft is. Mr. Scully said it would be for games such as air hockey and foosball. Mr. Ordile asked why there is a proposed shower in the new addition. Mr. Scully felt the house needed an additional bathroom. Mr. Ordile asked about the proposed

refrigerator and dishwasher. Mr. Scully said the dishwasher is so the guests don't need to walk through the house to return dirty dishes to the kitchen. Mr. Ordile asked about the existing window from the existing family room. Mr. Scully said he did not know why the architect designed it that way. Mr. Ordile asked about the exterior lighting. Mr. Scully said he is putting up exterior solar lights. Mr. Ordile asked if there would be a path from the addition. Mr. Scully said there is access through the family room and that would be the way people exit. He said the door is more for a fire exit. He said if they do add a walkway, it would go towards the front of the house. Mr. Ordile asked if the basement was finished to which Mr. Scully said no.

Ms. Howell asked how long the house was a short-term rental to which Mr. Scully said about a year. He said he wanted the wedding market and rents to families. Ms. Howell asked what the average length of stay is to which Mr. Scully said two to three nights. He said it is usually vacant during the week and rented on the weekends.

Mr. Messerschmidt asked about the leach field in the easement for the power company. Mr. Dykstra said the easement does not prohibit a leach field and they would need to look at the specifics of the lease agreement. Mr. Messerschmidt asked if they had received approval from the power company. Mr. Scully said he did not know if any approval was granted. Mr. Messerschmidt asked about the covered porch. Mr. Scully said it was existing but needed repairs. Mr. Messerschmidt felt the addition could have been put where the porch was. Mr. Scully said the architect felt the addition follows the lines of the house. He said the porch is only one level and if they put a two-level addition, it would not look good. He said the porch is one of the prettiest parts of the house. Mr. Messerschmidt asked about the distance from the addition to the easement to which Mr. Dykstra said it was about 1.5 feet. Mr. Messerschmidt asked if the applicant would need a variance for that to which Mr. Stoner said no. Mr. Stoner said the County had approved the septic in the easement area. Mr. Messerschmidt asked about the large deck on the hill to which Mr. Scully said it was a tree fort. Mr. Scully said it was there and he just repaired it. Mr. Messerschmidt asked Mr. Scully if he had a permit for it to which Mr. Scully said he was told by the building department he did not need a permit for that. Mr. Messerschmidt asked if there was a permit for the hot tub to which Mr. Scully said he did not know he needed one. Mr. Scully said he would get a permit for the hot tub. Mr. Messerschmidt asked if as a condition of any approval, if the loft would not be advertised as a bedroom. Mr. Scully agreed to this condition and would only market it as a three-bedroom. Mr. Messerschmidt asked if the property was registered with the town as a short-term rental. He explained the town charges a 3% tax on short term rentals and he had submitted the paperwork and fees to the town. He said the town was not registered to collect the fees at the time he tried to submit the check.

Ms. Gilchrist asked if the driveway was long enough to accommodate multiple cars to which Mr. Scully said yes and explained the parking on site and across the street. Ms. Gilchrist asked if the site is marketed as Andover Township. Mr. Scully said he advertises it as Andover but has to use Newton for GPS purposes. Ms. Gilchrist asked if Mr. Scully provides recommendations for local businesses to which Mr. Scully said yes.

Mr. Stoner asked if Mr. Scully would agree to a dedication of the property that is in the right-of-way to which Mr. Dykstra said yes.

Mr. Messerschmidt asked how the house is heated. Mr. Scully said he uses mini-split systems and there is electric heat in the bedrooms.

Mr. Messerschmidt opened the meeting to the public.

Mr. Briadoro swore in Mr. Preston Davis, a resident of Andover. Mr. Davis said the sale of the subject property included a piece of property on Lake Mohawk. Mr. Scully said that was not true and explained that after he renovated the house, he put it on the market and threw in a club lot on Lake Mohawk to entice the sale. Mr. Davis said the overall square footage of the overall addition is about 700 square feet. Mr. Dykstra said that is the calculation for the living space which includes the loft. Mr. Davis felt the triangle space across the street is a trail head. Mr. Scully said the area he uses for parking is not the trailhead. Mr. Scully said his driveway can hold about 10 cars. Mr. Davis asked if there was a limit to the number of guests for a short-term rental. Mr. Scully said he limits the number of guests.

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

Mr. Ordile asked if Mr. Scully could delineate his property across the street from the trailhead. Ms. Gilchrist asked if that portion of the property would be included in the dedication. Mr. Stoner said it would become the right-of-way. There was a discussion on the dedication.

Ms. Howell requested Mr. Scully add a clause about not feeding the wildlife to his welcome packet.

Mr. Lensak asked if there was a limited number of guests if the house is only a three-bedroom house. Mr. Scully said his maximum occupancy is 12 guests. Mr. Lensak asked if the house has fire safety equipment to which Mr. Scully explained what he had in the house for fire safety.

Mr. Briadoro went over the requested variance and proposed conditions with the Board.

A motion to approve the application and grant the bulk variance with the conditions noted was made by Mr. Degan and seconded by Mr. Karr. Roll Call: Michael Lensak – yes, Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – no, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Sean Degan – yes, Paul Messerschmidt – no. Motion carried.

ORDINANCES:

1.) An Ordinance of the Township Committee of the Township of Andover, County of Sussex, and State of New Jersey to Amend the Andover Township Route 206 Redevelopment Plan, Specifically to Establish a New Abbey Redevelopment Overlay (ARO) Zone for a Portion of the Redevelopment Area.

Mr. Carafello said the ordinance allows for food trucks and felt there was no need for it. Mr. Karr said the Township does allow food trucks during certain times.

Mr. Ordile asked why the Board was receiving the ordinance after they had been introduced at the last Township Committee meeting. He felt the Board should have been asked for comments prior to the introduction of the ordinance. Mr. Karr explained the process to Mr. Ordile. Mr. Karr said the Abbey property is a massive property and everyone wants to see it restored which requires an immense expense. Mr. Karr said this is the Board's opportunity to make comments or suggestions. Mr. Carafello felt the Abbey site is a massive project and is going to cost millions of dollars and the town needs to work with the Developer. He felt the process is being handled properly and the end goal is good development. Mr. Messerschmidt said the Township Committee has the final say as to what changes are made to ordinances. There was a lengthy discussion on how to proceed.

The Board agreed to carry the matter to the June 18, 2024 meeting.

2.) An Ordinance of the Township Committee of the Township of Andover, County of Sussex, and State of New Jersey Adopting an Amendment to Chapter 190 of the Zoning Code of the Township of Andover to Establish the Route 206 Economic Development (ECD) Zone.

The Board agreed to carry the matter to the June 18, 2024 meeting.

OLD BUSINESS:

A motion to dismiss the BHT Properties application without prejudice was made by Ms. Howell and seconded by Mr. Ordile. Roll Call: Michael Lensak – yes, Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Sean Degan – yes, Paul Messerschmidt – yes. Motion carried.

NEW BUSINESS:

1.) Master Plan Survey Results Presentation

The Board agreed to carry this matter to the June 18, 2024 meeting.

LIAISON REPORTS:

Township Committee – Mike Lensak

Mr. Lensak said the Township is moving forward with Welcome to Andover signs to be displayed on business doors.

Environmental Commission –Eric Olsen

Mr. Olsen was not present to give a report.

Sustainable Andover – Eric Olsen

Mr. Olsen was not present to give a report.

Economic Development Committee – John Carafello

Mr. Carafello had nothing new to report.

Master Plan – Joseph Ordile

Mr. Ordile gave an update on the progress of the Master Plan.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$720.00	Budget
Weiner Law Group	Ringo Properties, LLC	\$ 96.00	Applicant’s Escrow
Weiner Law Group	Redevelopment Study	\$ 48.00	Applicant’s Escrow
Weiner Law Group	Andover Munsee Realty, LLC	\$128.00	Applicant’s Escrow
Weiner Law Group	Daniel Scully	\$160.00	Applicant’s Escrow
Weiner Law Group	698 Route 206 South, LLC	\$464.00	Applicant’s Escrow
Weiner Law Group	Seegull, LLC	\$2,016.00	Applicant’s Escrow
Weiner Law Group	Ballantine Woods, LLC	\$ 96.00	Applicant’s Escrow

A motion to pay the bills was made by Ms. Howell and seconded by Ms. Gilchrist. Roll Call: Michael Lensak – yes, Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Sean Degan – yes, Paul Messerschmidt – yes. Motion carried.

CORRESPONDENCE:

- 1.) From: NJ Fish and Game
Re: Hyper Humus Restoration Project

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. Please come forward when recognized and state your

name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. 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 no public coming forward, the meeting was closed to the public.

PENDING APPLICATIONS:

Ringo Properties – Deemed 4.19.24/ Hearing 6.18.24

Priority Compacting Repair, LLC – Deemed Incomplete 1.16.24

UPCOMING MEETINGS: June 18, 2024, July 2, 2024.

ADJOURNMENT:

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

Respectfully submitted,

Handwritten signature of Stephanie Pizzulo in black ink.

Stephanie Pizzulo

Land Use Administrator