



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
June 18, 2024
7:30 p.m.

CALL TO ORDER:

Ms. Howell called the meeting to order at 7:30pm.

PLEDGE OF ALLEGIANCE:

Ms. Howell led everyone in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

Ms. Howell 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) – Present
Eric Karr (Class III) – Present
Suzanne Howell (Class IV) – Present
Richard Skewes (Class IV) – Excused
Joseph Ordile (Class IV) – Present
Krista Gilchrist (Class IV) – Present
John Carafello (Class IV) - Excused
Sean Degan (Alternate) – Absent
Karen Rozek (Alternate) - Present
Paul Messerschmidt (Class IV) – Excused

Also Present:

Richard Briigliodoro, Esq.
Cory Stoner, PE

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: May 7, 2024

A motion to approve the minutes of the May 7, 2024 meeting was made by Ms. Gilchrist and seconded by Mr. Ordile. Roll Call: Michael Lensak – yes, Eric Olsen – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Suzanne Howell – yes. Motion carried.

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

1.) Ringo Properties, LLC B: 158 L: 6 Application # 22-5

The applicant is seeking approval to develop the property for a combination of uses entailing retail, office, warehouse/storage and/or light manufacturing. Bulk variances are also required.

Ms. Howell made an announcement that the Ringo Properties, LLC application would not be heard this evening. The Board received a letter advising one of their professionals was ill and could not be present. The applicant requested the application be carried to the July 2, 2024 meeting without further notice.

A motion to carry the application to July 2, 2024 without further notice was made by Mr. Ordile and seconded by Mr. Lensak. Roll Call: Michael Lensak – yes, Eric Olsen – yes, Eric Karr – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Suzanne Howell – yes. Motion carried.

RESOLUTIONS:

1.) Ballantine Woods, LLC Block 7 Lot 10.05 A24-3

A resolution granting final major subdivision approval for Phase C.

A motion to memorialize the resolution in the matter of Ballantine Woods, LLC was made by Mr. Lensak and seconded by Mr. Ordile. Roll Call: Suzanne Howell – yes, Eric Karr – yes, Krista Gilchrist – yes, Michael Lensak – yes, Joseph Ordile – yes. Motion carried.

2.) Daniel Scully Block 119 Lot 8 A23-10

A resolution granting "c" variance relief to construct an addition to a single-family dwelling within the front yard setback.

A motion to memorialize the resolution in the matter of Daniel Scully was made by Ms. Gilchrist and seconded by Mr. Ordile. Roll Call: Suzanne Howell – yes, Krista Gilchrist – yes, Eric Karr – yes, Michael Lensak – yes, Joseph Ordile – yes. Motion carried.

3.) 698 Route 206 South, LLC Block 158 Lot 1 A23-8

A resolution granting minor site plan approval with "c" variance relief and design waiver exception relief.

A motion to memorialize the resolution in the matter of 689 Route 206 South, LLC was made by Ms. Gilchrist and seconded by Mr. Olsen. Roll Call: Krista Gilchrist – yes, Eric Olsen – yes, Suzanne Howell – yes. Motion carried.

ORDINANCES:

1.) Ordinance 2024-07 - An ordinance of the Township Committee of the Township of Andover, County of Sussex, and the 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. Karr said the Board was given the 35-day requirement to review the document.

Ms. Robyn K. Welch, PP, AICP joined the Board via Zoom. Mr. Brigliadoro swore in Ms. Welch. Ms. Welch said she was hired by the Township to draft the ordinance. She said her licenses were valid and in good standing.

Ms. Welch said they were making some minor changes to the proposed ordinance due to comments she received and said it would not require reintroduction of the ordinance at the Township Committee level. She went over the changes with the Board. She said they adding a few definitions that were not defined in the original draft. She went over some corrections that needed to be made due to incorrect references in the ordinance. She added two additional landscape designs that were accidentally omitted from the proposed ordinance. She went over the corrections to the referenced block and lots listed in the appendix.

Ms. Welch said she was tasked with doing a redevelopment plan for the three parcels in the proposed ordinance. She said the original redevelopment plan covers a large 800-acre area consisting of 43 parcels. The three parcels the amendment is pertaining to are the only parcels that are within the sewer service area. The Township is trying to further encourage redevelopment to allow for inclusionary housing as part of the fourth round of affordable housing requirements. It allows expansion of the uses currently permitted in this area and refine the existing requirements.

Ms. Welch addressed the issue of Master Plan consistency. She said the most recent comprehensive Master Plan dates back to 1992 and the township has not adopted a more recent amendment since 2011. She said that since the Master Plan predates the Route 206 Redevelopment Zone, the Master Plan is technically inconsistent with the existing Route 206 Redevelopment Plan and the proposed amendment via ordinance 2024-07. She said the Land Use Plan dating back to 2011 still places the three subject properties within land use categories that were consistent with the zoning in place at the time of the last Land Use Plan amendment in 2011. Those land use categories were a Mount Laurel zone, an R-2 Single-family zone, a Commercial/Airport/R-2 zone, and a Commercial Industrial zone. She said it is for these reasons

it is recommended the Board find that ordinance 2024-07 is technically inconsistent with the Master Plan. Ms. Welch said however that the Governing Body could still adopt the ordinance as long it is identified in the resolution the reasons for doing so. She explained that the reasons are because of the location for the sewer service area, the three subject parcels and the majority of the development that can actually happen under the ARO Zone standards, are going to happen within the portion of the redevelopment area that are designated in the Mount Laurel Land Use category. She went over the objectives and goals as outlined in her memo dated June 14, 2024. The ordinance was prepared as an Area in Need of Redevelopment and the Township's obligation of affordable housing.

Ms. Gilchrist asked why the Reexamination Report from 2023 did not count. Ms. Welch said a reexamination report is not a master plan.

Mr. Stoner asked if the Hamlet overlay remains to which Ms. Welch said it remains on all of the other parcels that it was designated for in the current Redevelopment Plan but would no longer exist on the parcels identified in the ARO zone.

There was a discussion as to if ordinance 2024-07 would contradict 2024-06.

Mr. Brigliadoro said there is no legal obligation to open the matter to the public. He said the public would have an opportunity to address the matter before the Governing Body. The Board agreed to not open the matter to the public.

A motion to find ordinance 2024-07 technically inconsistent with the Master Plan based on the comments and testimony of Ms. Welch and as indicated in her memo dated June 14, 2024 was made by Mr. Ordile and seconded by Mr. Olsen. Roll Call: Michael Lensak – abstain, Eric Olsen – yes, Eric Karr – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Suzanne Howell – yes. Motion carried.

Ms. Welch left the 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.

Mr. Ordile asked for clarification as to what parcels were in the Redevelopment Plan and which are in the ECD zone. Mr. Stoner explained that the Redevelopment Plan created the Redevelopment zone and the ECD zone will take the place of Redevelopment zone and add the one parcel to the new zone. There was a discussion on having each zone in the Redevelopment Plan codified into the ordinance so it would be easily accessible.

Mr. Ordile noted prior to the adoption of the Redevelopment Plan, there was a property owner who wanted to be included in the Redevelopment Plan and was told no by the Township

Committee. He felt the Township should offer that to her since they are adding a property to the new zone.

Mr. Briadoro said the Board is not obligated to conduct a public hearing on the matter. The Board agreed not to open to the public for this matter.

A motion to find the ordinance consistent with the Master Plan was made by Mr. Olsen and seconded by Ms. Gilchrist. Roll Call: Michael Lensak – abstain, Eric Olsen – yes, Eric Karr – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Suzanne Howell – yes. Motion carried.

COMPLETENESS: None.

OLD BUSINESS: None.

The Board took a ten-minute break.

NEW BUSINESS:

1.) Master Plan Survey Results Presentation

Mr. Ordile, Mr. Karr, Mr. Olsen and Ms. Gilchrist gave an overview of the survey results. Mr. Ordile said they worked with Mr. Morris from Harold Pellow's office on the survey and that the Master Plan had not been updated since 2011. He said they created a survey for the public and had 427 respondents. He went over the demographics of the respondents.

Mr. Olsen went over the environmental goals of the current Master Plan. He said residents are concerned about the loss of forested areas, degradation of water quality, streams and lakes and stormwater pollution. He said the respondents would approve the limitation of residential and commercial development and felt farmland preservation is important. They also favored single-family housing.

Ms. Gilchrist went over the results of non-residential development. She said the respondents wanted sustainable and environmentally friendly development and 67% felt new commercial development was important. She said the respondents favored agricultural uses, restaurants, cannabis retail, shopping centers and cannabis cultivation uses. They would like to see less fast food and less warehouses. She said they favored passive recreation facilities such as trails, community gardens and dog parks. Residents favored improving parks and open space.

Mr. Karr said the residents wanted improved roadways and walking paths. He said the rural setting, safe neighborhoods and the quality of life are important. He said the survey showed the three areas for improvement are parks and recreation, protection of environment and preservation of farmland however; they did not want to use Township funds to do this. He said the respondents want community programs, events, and economic development. Mr. Karr explained the "Word Map" and concluded that respondents wanted lower taxes, to preserve

open space and development. He said the respondents do not want to disturb undisturbed property.

LIAISON REPORTS:

Township Committee – Mike Lensak

Mr. Lensak advised the Board of the School Board meeting and the budget increase.

Environmental Commission –Eric Olsen

Mr. Olsen said the Commission purchased benches for the trails. He said they are seeking grants for a paved walking path around Hillside Park.

Sustainable Andover – Eric Olsen

Mr. Olsen said they are working on the rain garden at Hillside Park and updating the Buy Local Guide.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Master Plan – Joseph Ordile

Mr. Ordile had nothing additional to report.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$1,056.00	Budget
Weiner Law Group	Ringo Properties, LLC	\$112.00	Applicant’s Escrow
Weiner Law Group	Redevelopment Study B:103, L: 2 & 3.02	768.00	Applicant’s Escrow
Weiner Law Group	Daniel Scully	\$736.00	Applicant’s Escrow
Weiner Law Group	Priority Compactor Repair, LLC	\$96.00	Applicant’s Escrow
Weiner Law Group	698 Route 206 South, LLC	\$1,312.00	Applicant’s Escrow
Weiner Law Group	Seegull, LLC	\$592.00	Applicant’s Escrow
Weiner Law Group	Ballantine Woods, LLC	\$528.00	Applicant’s Escrow

A motion to pay the vouchers was made by Mr. Olsen and seconded by Mr. Ordile. Roll Call: Michael Lensak – yes, Eric Olsen – yes, Eric Karr – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Suzanne Howell – yes. Motion carried.

PUBLIC PORTION:

Ms. Howell 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. 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.

Ms. Howell opened the meeting to the public.

Mr. Justin Choka advised the Board of a new State ordinance for greenhouse cannabis cultivation. He said the Township Committee felt he should speak to the Board. He said the Township ordinance only allows for growing indoor a steel building and the new State ordinance would allow for a greenhouse which uses natural light. There was a discussion on the State ordinance and how to proceed.

Mr. James Grenewicz asked if the Board discusses the correspondence. Mr. Briigliodoro said that matter has been decided and the Board has adopted a resolution so the Board cannot respond to anything regarding that matter. Mr. Grenewicz felt there were violations in the hearing process. He said he reached out to the Board in the hopes of the Board correcting what was done wrong in the hearing. He said based on the Board not discussing the matter, he would have to move forward in Superior Court. Mr. Grenewicz continued to advise the Board on why he felt his rights were violated.

Mr. Wayne Grenewicz asked who would be defending the Board in Superior Court. Mr. Briigliodoro said the Board would determine that, if and when, the Board is served. Mr. Grenewicz advised the Board of the issues he felt were mishandled by the Board.

CORRESPONDENCE:

- 1.) From: James Grenewicz
Re: Land Use Hearing 5.7.24

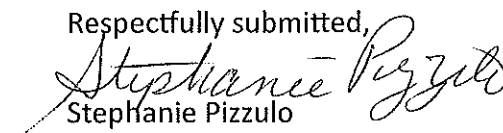
PENDING APPLICATIONS:

Priority Compacting Repair, LLC – Deemed Incomplete 1.16.24

UPCOMING MEETINGS: July 2, 2024, July 16, 2024

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator

