



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
August 6, 2024
7:30 p.m.

CALL TO ORDER:

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

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. The Township cannot guarantee the reliability of internet service and the ability of a member of the public to join the meeting. In the event that the live stream meeting is unavailable, the in-person meeting will proceed as scheduled.

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) – Present
Joseph Ordile (Class IV) – Present
Krista Gilchrist (Class IV) – Present
John Carafello (Class IV) - Present
Sean Degan (Alternate) – Present
Karen Rozek (Alternate) - Present
Paul Messerschmidt (Class IV) – Present

Also Present:

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

ADMINISTRATIVE ITEMS:

Approval of Minutes: July 2, 2024, July 16, 2024

A motion to approve the minutes of the July 2, 2024 meeting was made by Ms. Howell and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

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

RESOLUTIONS: None.

ORDINANCES: None.

COMPLETENESS: None

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

1.) Perona Realty, LLC B: 69 L: 8,10 &11 Application # 24-2

The applicant is seeking an amended Preliminary and Final Site Plan and Variance approval for the construction of a number of additions on the building, expansion of the parking lot, lighting and landscaping improvements.

Due to the request for use variance relief, Mr. Karr and Mr. Lensak stepped down from the Board and left the dais.

Mr. Robert McBriar, Esq. said he was representing the applicant. He said Perona currently operates a premier restaurant, catering, wedding and special events venue facility. He said it is a family owned and operated business since 1917 and is one of the oldest, continually operated businesses in the County. He said they were before the Board seeking an amended preliminary and final major site plan approval with related variance relief and design waivers. The application is for certain buildings additions, expansion of the parking lot, lighting and certain landscaping improvements.

Mr. Brigliadoro swore in Mr. Kenneth Dykstra, PE with Dykstra Walker Design Group. The Board accepted Mr. Dykstra as a professional engineer.

Mr. Dykstra said he prepared the amended site plans, had visited the property and took into account the Township's ordinances and Master Plan. Mr. Dykstra gave an overview of the proposed additions that the applicant was seeking. He said Perona has two venues, The Refinery which was renovated and expanded based on a 2019 approval and The Reserve. The application involves moving the covered entrance to the southerly side of the building and adding some other building additions. The building shape is essentially the same but there is a different location for the entrance; and the driveway and parking have been reconfigured for a more organized situation. The Reserve is to the left with the Refinery to the right and the parking is split between the two. There is an electronic directional sign, which was previously approved and is proposed to be moved. Mr. Dykstra said they have added parking, expanded the buildings a bit and the new parking area is proposed to be built over the "Covid emergency tent area". During Covid, Andover allowed the applicant to pave an area for tented outdoor eating. The proposed parking is over that area. He said they were requesting a variance for maximum structure lot coverage and explained which lots contained the lot coverage. He said they need a use variance as the commercial use is not permitted in the residential zone. He said they are requesting a waiver for the parking stall size. Mr. Dykstra said the property has always had 9' X 18' spaces however, the ordinance requires 10' X 20'. He said they are seeking to extend that waiver with the existing and proposed parking areas. Mr. Dykstra said the applicant is requesting a waiver from the requirement to provide an Environmental Impact Statement because most of the improved areas have already been disturbed. He said even though the building has been expanded in footprint, the use is not changing and the septic was approved under the DEP and he explained the septic capacity and calculations to the Board. He said they are well under the capacity. He said he would supply the requested Stormwater calculations to the Board Engineer as per his report dated August 5, 2024. He said the proposed parking area would be porous pavement and the water would go through it into stone and then into the ground. Mr. Dykstra said Mr. Stoner requested additional soil testing to confirm the adequacy of the design, which would be provided.

Mr. Dykstra said Perona Realty has hired a landscape designer and a plan would be developed and submitted to Mr. Stoner for his approval. He said the landscaping is for the success of their business and felt it was one of the best landscaped properties in the Township. Mr. Dykstra said they have accounted for the prior improvements made during Covid which are now in the Stormwater calculations. All of the roof leader drains would be connected into the drainage system which flows through the property.

Mr. McBriar said the applicant appeared in 2019 and received approvals for one business sign and two free standing electronic signs. One of the signs has been erected and is operating near the road and the second one was of a directional type within the site, which the location has been changed.

Mr. Dykstra presented a color version of sheet 3 of 8 of the submitted site plan dated June 28, 2024 which was marked and entered as exhibit A-1. He explained the site, how the public would enter the site and the location of the sign.

Mr. McBriar presented a schematic of proposed sign which was marked and entered as exhibit A-2. He said the proposed sign is smaller than what was approved and would be located within the site. He said the ordinance requires the sign be turned off between 11:00 pm and 6:00am. He said the application was requesting the off hours be amended until 12am to 6 am. He said there are evening events and the sign would advise customers where to navigate throughout the site.

Mr. Briadoro swore in Mr. Bryant Avondoglio, on behalf of Peron Realty. Mr. Avondoglio clarified the sign locations and said the interior site sign would be directional. Mr. Mc Brier said the prior approval did grant relief for the maximum lines of text of the electronic signs. Mr. Avondoglio said the proposed sign would have the same number of lines of text. Mr. Stoner said only one free standing sign is permitted. Mr. Mc brier said the 2019 approval was for one business sign along the main road and two free standing signs approx. 13 square feet each. At that time, it was recognized that the total area is less than the maximum permitted for one freestanding sign. He said the sign height complied at less than 12 feet. The other aspect of the relief was that the existing sign could be located approximately 5 feet from the lot line. The proposed sign would be in a different location; containing the same number of lines of text with a change to the off hours. They were requesting the off start time to be 12 am to 6 am. He said they are reaffirming the second free standing sign with a modification that the off hours be amended. He said the 2019 approvals contemplated the two electronic signs. Mr. Mc Brier read from the 2019 memorialized resolution.

Mr. Stoner asked about the lot coverage. Mr. Dykstra explained the lot coverage. Mr. Stoner asked if the lots had been consolidated. Mr. McBriar explained that they are separate lots. Mr. Stoner felt that procedurally something should be put in place to tie Lot 8 containing the parking, lot to the other two lots, so it could not be sold separately. Mr. Mc Brier said all of the lots are in common ownership. Mr. Briadoro suggested a deed restriction of easement to make sure the lots run together. Mr. Stoner said the porous pavement works but it must be maintained and not paved over and requested that be added to a Stormwater Maintenance Plan and filed with the Clerk. Mr. Stoner said all of the parking lots are outside of the wetland buffers. He said the applicant could construct a garden, up to 2,500 square feet, within the freshwater wetlands transition area without a permit. He said that for the proposed garden, they would need a permit or need to reduce the size. Mr. Stoner asked about the EV parking spaces. Mr. Dykstra said they are providing Seven EV spaces. Mr. Avondoglio said they would install several now and a few would be make ready spaces. There was a discussion on the EV spaces and the time period to have them installed. Mr. Stoner asked about the lighting plan and said he did not see lights under the drop-off area. Mr. Dykstra said that would be part of the architectural plans. Mr. Stoner asked the applicant for Health Department confirmation. Mr. Dykstra explained the process and said their flows are below what is allowed by the T1 permit and as a result is outside the Health Departments jurisdiction.

Ms. Rozek requested the applicant avoid using invasive species in the landscape design.

Ms. Gilchrist asked if the Speakeasy would be open to the public or if it was specifically for the events. Mr. Avondoglio said the entire venue could be open to the public however; the Speakeasy is currently proposed for special events.

Mr. Olsen asked if existing non-porous pavement would be removed to install the porous pavement. Mr. Dykstra said the newly paved area would be removed for the porous pavement area. Mr. Olsen asked about the use of the additions. Mr. Dykstra said they would be for the new covered entrance for the Reserve, a lobby area and an expansion of the office area. He said the current drop off area would become an indoor/outdoor terrace area. There would be a great room, and a two-level covered outdoor patio and a rooftop deck. He explained the indoor/outdoor portico addition. Mr. Olsen asked if the Environmental Commission could review the landscape plan and make comments. Mr. Avondoglio said they would comply and requested an updated list of acceptable species.

Mr. Messerschmidt asked about the waiver request for the Environmental Impact Study and asked about the size of the newly disturbed area. Mr. Dykstra said it would be under 15,000 square feet of newly disturbed area. Mr. Messerschmidt asked if there was standing water in that area. Mr. Dykstra said the area used to be a softball field and it does not hold water. Mr. Messerschmidt asked how the water gets into the pond. Mr. Dykstra said there is a culvert that currently is collecting the water and is gravity fed to the pond. Mr. Messerschmidt asked about the digital sign and expressed a concern with flashing signs for safety. He asked for a condition of approval that it does not flash. Mr. Avondoglio said the ordinance specifies a rotation time, which they would adhere to. He said the current sign is on only a limited time when needed. He said the sign was preapproved; they are just moving it.

Mr. Ordile asked if the change in time that the sign is illuminated was for both signs or just the internal sign to which Mr. Avondoglio said just the directional internal sign. Mr. Ordile asked about the proposed work near the one-story masonry building. Mr. Dykstra said they are reducing the impervious and adding landscaping. Mr. Avondoglio said the building is used for guests getting ready for events. Mr. Ordile asked about the paver walkway and if anything else would be added to that area. Mr. Dykstra said it is just a paver walkway for a photo area. Mr. Ordile asked if there would be any land disturbance in that area. Mr. Avondoglio said there would be minimal disturbance in that area for the walkway. Mr. Ordile asked about the fencing. Mr. Dykstra said it is deer fencing which is 8 feet high. There was a discussion on the height of the fence and its use. Mr. Stoner said agriculture/commercial use is exempt from the height requirement. Mr. Ordile asked about the garden in the transition area and if the entire garden is in that area. Mr. Stoner said it is the entire garden.

Mr. Brigliadoro swore in Mr. David Krueger, Environmental Consultant with Environmental Tech Inc. Mr. Krueger gave his qualifications which were accepted by the Board. Mr. Messerschmidt asked about licenses. Mr. Krueger said he is a licensed wetlands specialist. Mr. Krueger said he

conducted a site inspection of the property to determine if the proposed improvements were within wetlands or wetlands buffers. He said the structural improvements and impervious were not within the wetlands or the wetland buffer. He said part of the fenced in area for the fruit trees is within the wetland buffer. Mr. Krueger said there is a stipulation about creating gardens and if that area proposed for the trees were planted and the grass cut a few times a year that it would not be a regulated activity. He said the fruit trees would not be considered an invasive species. He said the fence would be outside the wetlands and that the DEP would not regulate the use. Mr. Krueger explained the DEP regulations on the maintenance of the buffer areas. Mr. Stoner said the area is already disturbed and anything done on that area is at the applicant's own risk. He suggested the applicant supply a letter stating what they are going to put in that area.

Mr. Ordile asked for clarification on the porous parking area. Mr. Dykstra explained the area and said the drop-off area is not porous pavement. Mr. Ordile asked about curbing to which Mr. Dykstra explained the curbing. Mr. Ordile asked if the new sign location would be on an island in the parking lot. Mr. Dykstra said it would be on a landscaped curbed island. Mr. Ordile asked if seating for the Speakeasy changes the parking requirements. Mr. Dykstra said the parking is based on the seating for the entire facility and there is more than enough parking. Mr. Avondoglio explained the seating and said the new area does not increase their seat-able space because the one area is used for reception and those same people are then moved to a seated style event.

Mr. Carafello asked if buses bring customers to the site. Mr. Avondoglio said they do use buses and the parking and drive areas can accommodate them. Mr. Carafello asked if Andover Township could be added to the signage.

Mr. Messerschmidt asked if the Speakeasy would be used as a bar and be open to the public. Mr. Avondoglio said the Speakeasy is just a room in the new space to be used for the events. He said based on prior approvals over the last 107 years, they could host public dinners or public functions. He said their liquor license would allow it as well. There was a discussion on the use of the facility. Mr. Stoner said there is a prior resolution from 1984 that states it was an open restaurant and banquet facility to the public.

Mr. Briadoro swore in Mr. Chris Wolverton, Professional Architect with HQW Architects. Mr. Wolverton gave his qualifications, which were accepted by the Board.

Mr. Wolverton presented a 3-D rendering of the additions on the left-hand side of the building which was marked and entered as exhibit A-1. Mr. Wolverton referred to sheet A-1 of the submitted plan set which showed an enlargement of the Reserve venue on the left-hand side of the building. He said the reason for the expansion and additions was because they are moving the entrance to the building. He explained the interior layout to the Board. He said the porte-cochere is wide and high enough for two busses. He explained how the guests would move through the space and various rooms. He explained the bridal suite balcony expansion and the

retractable roofs for the indoor/outdoor areas. He explained the groomsmen area and the new office space.

Mr. Wolverton explained sheet A-2 which showed the proposed elevations. He said they are extending some of the exterior finishes such as the stucco and terracotta roof. There would be stone and wood elements inside and out.

Mr. Carafello felt the new addition looks like it fits with the existing building. Ms. Howell and Mr. Olsen agreed that they liked the architecture.

Mr. Mc Brier said the d2 variance relief could be granted because the site and site improvements and uses specifically compliment the services for the existing facility, which has operated for more than 100 years. The character of the neighborhood will not change because the improvements are consistent with the existing facility as demonstrated in the rendering. The size of the property mitigates any detriment to the surrounding properties as discussed and Lots 8, 10 and 11 in total are approximately 18 acres. The improvements promote the general welfare as they have been serving the community for decades. The venue serves and has served as a preferred facility for local organizations such as schools, charities, fundraisers, non-profits and business organizations. These improvements would enhance the services that are currently provided. Mr. Mc Brier said they believe the site to be particularly suited for its proposed uses and satisfies the legal criteria in that regard. He said the proposal does advance the purposes of the MLUL and the Township Code specifically that the project would promote the public health, safety and general welfare by ensuring safe traffic flow and circulation within and throughout the site as well as enhance the walking paths and the ingress and egress of the facility. The project design allows for adequate light, air and open space. He said the project provides sufficient space in an appropriate location for a variety of commercial uses as testified that the restaurant and banquet facility has been around for decades without substantial detriment to adjoining property owners. The proposed project design and materials promote a desirable visual environment with creative development techniques with design and arrangement. The project promotes open space notwithstanding the proposed addition there is still a significant amount of open space surrounding the facility which remains part of its scenic and rural appeal. The project represents efficient use of the land by reconfiguring and adding to the existing space as depicted in the plans as it makes a more efficient use of the developed and previously disturbed areas. He said the facility is well run and has been operating by the same family for more than 100 years. Mr. Mc Brier said the proposed construction includes mostly already disturbed areas on the property and the proposed plan will improve, modernize and update the facility to meet the modern day needs of their patrons and guests. Any site impacts as testified are sufficiently mitigated. He felt the relief could be granted without substantial detriment to the public good nor would it impair the intent of the Township is zoning ordinance.

Mr. Messerschmidt opened the hearing 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. 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.

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

Mr. Ordile asked about the size of the parking spaces and if they could be enlarged to meet the ordinance requirement. Mr. Dykstra said they would lose 10% of their parking spaces by doing so or would have to increase the impervious surface. He said a 9-foot wide space is the normal size. Mr. Ordile asked if there was a bus parking area. Mr. Dykstra said there was not designated bus parking area.

Mr. Briadoro said the applicant was seeking amended preliminary and final site plan approval, variance relief for the expansion of a preexisting nonconforming use, a variance for maximum structure lot coverage and was reaffirming the variances from the 2020 hearing regarding the two freestanding signs. He said they were seeking to relocate one of the signs with a request to allow it to be on for an additional hour. He said they are requesting an exception from the design standards in regard to the parking stall size. Mr. Briadoro said the conditions of an approval would be as enumerated in Mr. Stoner's report. He said the applicant shall provide a Stormwater Management Maintenance Manual, stormwater management water quantity and quality calculations, a cross access easement for the parking on Lot 8, a landscaping plan, and a letter from Mr. Krueger explaining the orchard area. He said the plans need to be updated with roof leaders, fence details and lot lines. He said a letter from Mr. Dykstra on the Treatment Works approval and the adequacy of the septic system need to be supplied to Mr. Stoner.

A motion to approve the application with the noted conditions and requested variances and waivers was made by Mr. Olsen and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, John Carafello – yes, Paul Messerschmidt – yes. Motion carried.

The Board took a five-minute break.

Mr. Karr rejoined the Board.

OLD BUSINESS:

1.) Possible Cannabis Ordinance Amendment

Mr. Karr said there was a resident who approached the Township Committee about amending the cannabis ordinance. He said the Township Committee is requesting the Land Use Board discuss growing cannabis in green houses. The Board discussed getting the State requirements as well as sample ordinances from other towns. Ms. Rozek expressed a concern about security issues. Mr. Karr felt cannabis cultivation is a good fit for Andover Township. Mr. Messerschmidt

expressed a concern about the size of the properties. Mr. Stoner felt it should be a conditional use.

2.) Remote Microphones

Mr. Messerschmidt explained that the Board or the public could not hear some of the people testifying. The Board Secretary was working on getting pricing for lapel microphones. .

3.) Size of Submitted Plans

The Board Secretary asked if the Board wanted to proceed with changing the checklist to require the applicant to submit four large size plans and the remainder at 11" X 17". The Board discussed the possibility of purchasing iPads for the Board. The Board agreed to proceed with the change of the plan size.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said they had a second reading and adopted the ECD Zone. He said the Committee has adopted a tree preservation ordinance. Mr. Karr said the Committee is considering a chicken ordinance. Mr. Stoner clarified the tree-cutting ordinance and the State requirements as they relate to the Stormwater Tier A classification. Ms. Gilchrist asked how the ordinance would affect new development. Mr. Stoner said it would be reviewed by either the Board or Zoning. He said the new development would not have to replant the trees. Mr. Olsen felt the Environmental Commission should have been consulted.

Environmental Commission –Eric Olsen

Mr. Olsen said they are working on a list of acceptable landscaping species. He said they are going to look at past landscaping plans and offer a list of an alternative native species.

Sustainable Andover – Eric Olsen

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

Economic Development Committee – John Carafello

Mr. Carafello had nothing new to report.

Master Plan – Joseph Ordile

Mr. Ordile said they are working on the Housing Element. He said he did a Master Plan Survey presentation to the Senior Group.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$1,232.00	Budget

Weiner Law Group	Ringo Properties, LLC	\$1,392.00	Applicant's Escrow
Weiner Law Group	Daniel Scully	\$128.00	Applicant's Escrow
Weiner Law Group	Priority Compactor Repair, LLC	\$224.00	Applicant's Escrow
Weiner Law Group	698 Route 206 South	\$256.00	Applicant's Escrow
Weiner Law Group	Ballentine Woods, LLC	\$128.00	Applicant's Escrow
Harold Pellow Assoc.	Engineering	\$ 71.00	Budget
Harold Pellow Assoc.	Ballantine Woods, LLC	\$593.00	Applicant's Escrow
Harold Pellow Assoc.	698 Route 206 South, LLC	\$471.00	Applicant's Escrow
Harold Pellow Assoc.	Daniel Scully	\$213.00	Applicant's Escrow
Harold Pellow Assoc.	Feels of Green, LLC	\$284.00	Applicant's Escrow

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

Mr. Messerschmidt said the Board needs to send out a request for a Planner. The Board Secretary will send out the request.

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. 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.

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

CORRESPONDENCE:

1.) From: Mr. Daniel Benkendorf, Esq.

Re: Always Comfy, LLC – 4 Mountainside Drive – Extension Request

Mr. Messerschmidt read the letter into the record. The letter requested a second extension of the variances and approval for an additional 18 months from January 19, 2024 due to the ongoing permitting process.

A motion to grant an extension was made by Mr. Carafello and seconded by Mr. Karr. Roll Call: Eric Olsen – yes, Eric Karr – yes, Suzanne Howell – yes, Richard Skewes – no, Joseph Ordile – yes,

John Carafello – yes, Sean Degan – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

2.) From: Mr. John Larick

Re: Larick Towing will not move forward with their approvals

PENDING APPLICATIONS:

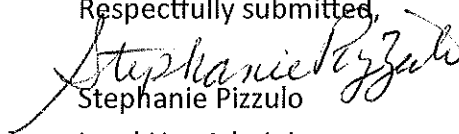
Priority Compacting Repair, LLC – Hearing 9.3.24

UPCOMING MEETINGS: August 20, 2024, September 3, 2024

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Stephanie Pizzulo". The signature is written in black ink and is positioned over the printed name.

Stephanie Pizzulo

Land Use Administrator

