



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
January 21, 2025
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:

Eric Karr (Class I) – Present
Richard Then (Class II) – Present
Krista Gilchrist (Class III) – Present
Richard Skewes (Class IV) – Present
Joseph Ordile (Class IV) – Present
Eric Olsen (Class IV) - Present
John Carafello (Class IV) - Absent
James Casler (Class IV) – Present
Karen Rozek (Alternate 1) - Present
Paul Messerschmidt (Class IV) – Present

Also Present:

Thomas Molica, Esq.
Cory Stoner, PE
Matthew Morris, PP
Stephanie Pizzulo, Secretary

Mr. Molica swore in Mr. Eric Karr as Class I Board Member for the year 2025.

Mr. Molica swore in Mr. Cory Stoner, PE, as Board Engineer for the year 2025 and Mr. Matthew Morris, PP, as the Board Planner for the year 2025.

ADMINISTRATIVE ITEMS:

Approval of Minutes: December 3, 2024, December 17, 2024.

A motion to approve the minutes of the December 3, 2024 meeting was made by Mr. Karr and seconded by Ms. Gilchrist. Roll Call: Eric Olsen – yes, Eric Karr – yes, Richard Skewes – yes, Krista Gilchrist – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion Carried.

A motion to approve the minutes of the December 17, 2024 meeting was made by Mr. Skewes and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Eric Karr – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion Carried.

RESOLUTIONS: None.

ORDINANCES:

1.) AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 190 "ZONING," ARTICLE XVII "CANNABIS CULTIVATION AND PROCESSING" OF THE TOWNSHIP CODE, PERMITTING OUTDOOR CULTIVATION OF CANNABIS IN INDUSTRIAL ZONES

Mr. Molica said it was a referral hearing and not a public hearing the purpose of making a recommendation to the Township Committee that the ordinance is consistent with the Master Plan and recommend any revisions or additions. A public hearing will be scheduled at the Township Committee level.

Mr. Ordile asked how many properties would be eligible for the ordinance. Mr. Karr said there are three Commercial Industrial zones in town and none of them individually meet the 175-acre requirement. He said properties could comply if they were merged however, they would be completely surrounded by residential zones. Mr. Ordile felt other requirements listed in ordinance made the 175-acre requirement not necessary. Mr. Karr said the Committee did not want the entire farm to be dedicated to cannabis. Mr. Ordile felt the other requirements made it restrictive enough that it could be in a residential zone because it would be 2,000 feet from the edge of the property or 800 feet from any parks or roadways. Mr. Karr said there is a residential area in Andover Borough that is about 750 feet away from the Commercial Industrial property. Mr. Ordile felt this would be spot zoning. Ms. Gilchrist said she located two

properties in commercial zones that would qualify. She said if the commercial distinction were taken away, there would be another five properties that would qualify which are between 125 acres and 175 acres. There was a discussion on the required acreage. Mr. Karr said the odor is the underlying concern. He said there are chemicals that could be added to the field to mask the odor however that would take away the organic status of the product. Mr. Messerschmidt felt the draft ordinance was trying to address indoor growing and outdoor growing at the same time. There was a discussion on growing in a hoop house structure. There was a discussion on the proposed acreage. There was a discussion on permitting cannabis growing in the C/I zone.

Mr. Stoner said there are no properties in the C/I zone that are 175 acres. Mr. Karr felt the proposed 2,000 feet from a residential zone was problematic. He felt the distance should be reduced to 750 feet. He said the State guideline is 250 feet from a residential zone. There was a discussion on the "tillable property" term. Mr. Ordile asked if the ordinance should address the distance from other non-residential properties as well as residential. Mr. Karr felt the residents are present all of the time however there is not a continual presence on non-residential properties. Mr. Ordile asked about security and asked why the proposed ordinance doesn't just reference the State ordinance. Mr. Karr explained the difference. Mr. Ordile asked about the odor issue and if something should be added to the proposed Township ordinance. There was a discussion on the monitoring the point of odor detection. Mr. Ordile suggested mandatory annual monitoring. Mr. Karr said there will be odor but how far that travels is the issue. He said he does not want odor to be a significant issue for the residents. Mr. Karr said if they get a complaint then testing could be done. He said the current hemp farm has never had a complaint. Mr. Olsen asked if cannabis cultivation was protected under the Right to Farm Act to which Mr. Molica said no. Mr. Ordile suggested adding a fire suppression plan requirement to the ordinance. Mr. Karr said the fire suppression plan would be to call the Fire Department and the Forestry Fire Department is on Route 206 and he felt they are capable of putting out that type of fire.

Mr. Ordile asked how the local retailers would be guaranteed to receive the supply. Mr. Karr said it is vertically integrated because the company on the property has cultivation, manufacture and distributor licenses. Mr. Ordile asked if the State defines greenhouse. Ms. Gilchrist said there are no definitions for a greenhouse however there are building codes for a greenhouse. She suggested a better term would be a grow house. Mr. Karr suggested removing greenhouse and hoop house from the proposed ordinance. There was a discussion on the definition of greenhouse. Mr. Karr suggested removing greenhouse and hoop house and focus on the outdoor cultivation. There was a discussion on removing the greenhouse and hoop house option from the proposed ordinance. The Board agreed to recommend that the ordinance only apply to outdoor cultivation and the language referring to greenhouse and hoop house be removed from the ordinance. Mr. Olsen felt the grower may need a greenhouse to start the seedlings. Ms. Rozek said only the growing would take place in Andover and all of the processing would be taken away from the Andover site. There was a discussion on recommending changes to the proposed lot size, the distance from a residential zone and outdoor cultivation only.

Mr. Morris said the existing goals and objectives of the Master Plan talk about appropriate development in appropriate locations. He said the Township is trying to allow for development while keeping the rural character and this would achieve that by not building a warehouse or very large greenhouse. He felt the proposed ordinance preserves forest by imposing cultivation limits and not building on just any site. He felt it met the goals and objectives of the Master Plan. He said it is trying to protect the interest of the town. Mr. Karr felt this type of operation met the rural character of the town. He said an outdoor operation would require site plan approval.

Mr. Molica suggested the Board make a recommendation to the Township Committee that the ordinance is consistent with the Master Plan and recommendations revisions which would limit it to outdoor cultivation only, odor and security provisions of the ordinance to cross reference and fully incorporate what the CRC is doing at all times, and that the Township Committee revisit all setbacks prior to public reading.

A motion finding the ordinance consistent with the Master Plan and with the recommendations that Mr. Molica articulated on the record was made by Mr. Olsen and seconded by Ms. Rozek.

Roll Call: Eric Karr – yes, Richard Then – yes, Krista Gilchrist – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion Carried.

COMPLETENESS: None.

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

OLD BUSINESS:

Mr. Ordile asked about the annual report that gets sent to the Township Committee. The Board Secretary will send a draft to the Board Attorney.

NEW BUSINESS:

1.) Master Plan Goals and Objectives Informal Presentation

Mr. Ordile said the Master Plan had not been updated since 1992. He said the subcommittee had been working on the goals and objectives which are then broken down into strategies. He said Mr. Morris is still working on supporting documents. Mr. Ordile requested the public hearing be held on February 18, 2025. Mr. Molica suggested holding off on the public hearing until the affordable housing piece is finalized. Mr. Ordile asked the Board to send their feedback to the Board Secretary. Mr. Olsen felt the document was an accurate representation of the survey data the subcommittee had received. Mr. Morris explained the process the subcommittee took to get this document drafted.

Mr. Ordile went over the land use element. He said they wanted to encourage new development without compromising other land uses or the rural atmosphere. He said the

subcommittee discussed the various zones and they are looking to consolidate some zones and add others. He said they wanted to ensure there was consistency throughout the Andover Code.

Mr. Olsen discussed the circulation element and said it is designed to guide future decisions of transportation traffic circulation and mobility. He said one of the policy suggestions was to direct traffic to the main arterial roads. He said more planning is needed to outline alternative modes of transportation. He said they wanted to establish a cyclical program to maintain road systems throughout the Township.

Mr. Karr discussed the housing plan element and said it was clear that the people who live in Andover have no desire to leave the community. He said their lives change and what Andover is missing is the senior housing component. He said they need residential uses while protecting the atmosphere of the Township's rural quality.

Ms. Gilchrist discussed the community facilities element and said it explored who lives in Andover and what it means to be part of the community. It explored the extracurricular activities they enjoy and explores if those activities and facilities need improvement.

Ms. Gilchrist discussed the historic plan element and said the plan wants to recognize the history of Andover which could be promoted and used in the planning of new aspects of the Township.

Mr. Karr discussed the capital improvement plan and discussed long term plans for capital expenditures. He said the town needs to plan their expenditures on a regular basis.

Mr. Olsen discussed the resource conservation element and said the final draft would have a lot of the environmental resource factors which would be represented in maps. It would show the areas of environmental concern. The goals, objectives and strategies are focused on maintaining the rural character of the town and protecting natural resources and farmland.

Mr. Messerschmidt asked if a recreation plan had been submitted. Mr. Ordile said it was part of the Open Space Plan. He said the subcommittee should reach out to all of the different Boards and Committees. Mr. Karr felt the Master Plan should address the culture of Andover. Ms. Rozek felt the children of Andover are not educated on the history of Andover. Mr. Ordile felt the inventory of the historical information needs to be shared with the public. Mr. Olsen said one of the strategies is to start a historical society.

Mr. Ordile asked the Board Members to send any questions or suggestions to the Board Secretary.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said Ms. Gilchrist and Ms. Howell were sworn in as Committee Members. He said Mr. Walsh is the Mayor and he himself is the Deputy Mayor.

Environmental Commission –Eric Olsen

Mr. Olsen said Ms. Howell is the Township Committee liaison to the Environmental Commission. He said the Commission has gathered site plans and landscape plans from the last three years which a subcommittee will be reviewing for alternative plant recommendations. He said the Committee is still looking at the EIS ordinance. He said there is a subcommittee reviewing the Open Space Plan to review priority projects and recommend action steps.

Sustainable Andover – Eric Olsen

Mr. Olsen said the Committee is working on the Winter Market.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Master Plan – Joseph Ordile

Mr. Ordile had nothing new to report.

VOUCHERS:

Company	Purpose	Amount	Paid By
Harold Pellow Assoc.	Engineering	\$213.00	Budget
Harold Pellow Assoc.	Sussex Firearms Inc	\$203.00	Applicant’s Escrow
Harold Pellow Assoc.	Seegull, LLC	\$667.00	Applicant’s Escrow
Harold Pellow Assoc.	Canniff, William & Michelle	\$213.00	Applicant’s Escrow
Harold Pellow Assoc.	National Land Developers	\$1,074.25	Applicant’s Escrow
Harold Pellow Assoc.	Perona Realty Corp	\$911.26	Applicant’s Escrow
Harold Pellow Assoc.	698 Route 206 – Mosner	\$464.00	Applicant’s Escrow
Harold Pellow Assoc.	Suez Water	\$290.00	Applicant’s Escrow
Weiner Law Group	Legal	\$720.00	Budget
Weiner Law Group	Ringo Properties, LLC	\$1,664.00	Applicant’s Escrow
Wiener Law Group	Canniff, William & Michelle	\$656.00	Applicant’s Escrow

A motion to pay the bills was made by Mr. Ordile and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Richard Then – yes, Eric Karr – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion Carried.

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

CORRESPONDENCE: None.

PENDING APPLICATIONS:

1.) Ringo Properties, LLC – Continuation of hearing scheduled for 2.4.25

Mr. Molica advised the public that the hearing had been carried to the February 4, 2025 meeting at 7:30pm. He said the applicant had given consent of time to act on the application to February 28, 2025.

UPCOMING MEETINGS: February 4, 2025, February 18, 2025

ADJOURNMENT:

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

Respectfully submitted,

/s/ Stephanie Pizzulo

Stephanie Pizzulo

Land Use Administrator