



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
March 18, 2025
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. 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:

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: March 4, 2025.

A motion to approve the minutes of the March 4, 2025 meeting was made by Mr. Olsen and seconded by Mr. Then. Roll Call: Eric Karr – yes, Richard Then – yes, Krista Gilchrist – abstain, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, James Casler – yes, Karen Rozek – yes. Motion carried.

RESOLUTIONS: None.

ORDINANCES: None.

COMPLETENESS: None.

HEARINGS: None.

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

OLD BUSINESS:

1.) Meeting Attendance via Zoom.

Mr. Messerschmidt said this topic had been discussed in the past. Mr. Ordile said he has introduced the idea and said the technology available today allows for meetings to be conducted via Zoom. He said the New Jersey Municipal Land Use law does not explicitly require Board Members to attend meetings in person. He felt it would ensure the Board has a quorum. He said with any “d” variance two members have to recuse themselves and if other members of the Board do not appear, the Board may not have a quorum. He felt it would allow Board Members who are traveling, that are sick, have temporary accessibility issues or childcare responsibilities to actively participate in a meeting as opposed to listening to a recording and having to sign the certification stating they have listened to the recording. Mr. Ordile suggested attending meetings via Zoom optional and only for the reasons mentioned as well as if weather is an issue or another pandemic. He suggested only allowing the Zoom attendance at meetings that require Board decisions such as completeness reviews, public hearings, or feedback on Township ordinances. He said it should not ever be used because a Board Member does not feel like showing up. Mr. Ordile suggested that should there be a technical glitch with the Zoom preventing a Board Member from participating in the entire meeting, then that Board Member would be required to listen to the recording and sign the certification.

Mr. Skewes felt it would be abused with Board Members taking advantage of it.

Ms. Rozek felt there are technical glitches and said it has happened at the Township Committee meetings. She felt having to give an excuse that might be private in a public form is not fair. She felt if the Zoom does not work, the Board still could have a quorum problem.

Mr. Karr said there were times when he was traveling where he could have logged in and attended the meeting. He said courts hold their proceedings via Zoom and times are changing. He said the technology in the room is an issue and he noted there are times at the Township Committee meetings where there are problems. He felt the Township would not be able to budget for any upgrades this year. He said he is shocked at the amount of legal business that is conducted online but felt there are issues in Andover's meeting room.

Ms. Gilchrist felt it is important to attend in person to cross-examine a witness, for the public to cross-examine witnesses, and for the Board to see plans. She said she has taken part in many Zoom meetings, court meetings and seen Land Use Board meetings online and it is not the same as in person. She felt it was important that everyone attend in-person. She said it is an issue for noticing semi-virtual meetings. She felt it would need to be fully in person or fully virtual. Ms. Gilchrist felt the hybrid could be messed up.

Mr. Olsen asked how the meeting would be handled with some Board Members attending virtual. Mr. Ordile said the operator could select individuals who can speak and participate. Mr. Olsen felt it could become a habit and used as an option for not attending in person. He said he was open to trying it but there would need to be rules. He felt the professionals should not be allowed to Zoom in. He felt the room was already difficult for the applicant to present to the Board and the public and now they would have to present to the person on the screen. He felt it could be adding difficulty for the applicant.

Mr. Then felt it should be used as a last resort. He said he has appeared virtually in many court cases and had no issues. He felt as long as it is not abused it could be ok. He said the speakers in the room are not great and he has had to repeat something or wait while they adjust the speakers so the hardware could use some upgrading.

Mr. Casler felt the presentations during a hearing would be an issue. He felt the Board Member on Zoom would not be able to see it. He felt it could be less of a solution than it appears to be. He felt the speakers are not good and some things are not easy to hear. He said he was not entirely comfortable with the idea. He felt there is an interaction with the Board Members when they are present in person.

The Board Secretary said she was attending the Sussex County Solid Waste Advisory Council meeting via Zoom and could not get on because someone from the public had posted pornography onto the meeting and the entire Zoom meeting had to be shut down. She expressed a concern with the Board Members seeing exhibits that are presented during the hearing. She expressed a concern with the Board being challenged as to if the virtual Board Member was even watching or listening to the hearing.

Mr. Messerschmidt said he had spoken to Mr. Brigliadoro last year and attorneys in his office all of whom said the Board should never use the Zoom for hearings. He said there have been times when people from the public were on a Zoom meeting and holding up placards with

things written on them where the public and the Board Members see it. He felt the person controlling the Zoom does not have the control to prevent something like that from happening. He said the State only allowed it during Covid because it is fraught with too many inabilities to control the room. He said the State had no other option than to allow it during Covid so meetings could still be conducted. He felt it was a bad idea and said he has spoken to Mr. Molica about the matter.

Mr. Ordile said if there were a technology glitch, the person Zooming in would still have to listen to the recording and sign the certification. He felt that would eliminate and concerns about technology. There was a discussion on possibly losing the quorum half way through the meeting and not having a vote on the application without the applicant returning to the Board. Mr. Ordile felt the Board would not abuse the use of Zooming in just because they did not want to attend in person. The Board Secretary said filling one additional alternate spot would be very beneficial. She said the alternates are appointed to the Board so that they can fill in when Board Members cannot attend or need to step down. That is what the alternate position was created for. Mr. Ordile admitted the technology in the room was not the best however he attended a Township Committee meeting where the Committee Members who zoomed in were clearly heard. He said if the public held up placards it would not be seen on the screen because the public would not be on the screen. Mr. Messerschmidt reminded everyone that the Township Committee is not a quasi-judicial board. Mr. Ordile said the Township Committee only allows the Attorney and Committee Members to actively participate.

The Board Secretary asked how the person on Zoom would see the exhibits to which Mr. Ordile said that was a legitimate concern. Mr. Ordile felt the meeting would continue to be advertised as an in-person meeting. Mr. Messerschmidt said the meeting would have to be noticed as a hybrid meeting. Mr. Messerschmidt said the hearing would have to be opened to the public.

The Board Secretary asked why the Board would not want to use the Alternate Members the way they are supposed to be used. Mr. Ordile said he had to miss two meetings and during one of those, he wanted to Zoom in and be able to attend. He felt he had missed his opportunity to ask his questions of the applicant.

The Board agreed to continue the discussion when the Board Attorney was present.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said the Committee is working though the budget. He said the Board's budget will be similar to last years and he explained the Master Plan budget. He explained the Township's ten-year replacement plan.

Environmental Commission –Eric Olsen

Mr. Olsen said the Foodshed Alliance gave the Commission a presentation which has a Paulinskill initiative. He said they do water quality monitoring, floodplain tree planting and stewardship work, they test for salt, and they conduct hikes and educational programs for the schools. He said they are working on a Wild and Scenic Designation which could lead to funding. Mr. Olsen said the Commission has a subcommittee reviewing the Open Space Plan and they are generating a priority list of projects and grants. One of the Commission Members presented a draft of native species flyer for the Commission to review. He said they have reviewed the Master Plan goals and they did not have any comments. Mr. Olsen asked the Board when they would want to see Environmental Commission Reports for Land Use applications. There was a discussion on when the reports should be submitted and agreed it should be submitted before the first public hearing.

Sustainable Andover – Eric Olsen

Mr. Olsen said he had nothing new to report.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Master Plan – Joseph Ordile

Mr. Ordile said they received an updated draft Master Plan and they are still planning on an April 15th hearing date.

VOUCHERS:

Company	Purpose	Amount	Paid By
Harold Pellow Assoc.	Engineering	\$290.00	Budget
Harold Pellow Assoc.	Canniff, William & Michelle	\$290.00	Applicant's Escrow
Harold Pellow Assoc.	Feels of Green	\$90.00	Applicant's Escrow
Harold Pellow Assoc.	Master Plan	\$1,747.95	Budget

A motion to pay the bills was made by Ms. Gilchrist and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – 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 no public present, the meeting was closed to the public.

CORRESPONDENCE:

1.) From: Sussex County Agriculture Board

Re: Notice of Public Hearing – Sunset View Farm, 27 Pierce Road, Block 111, Lot 19.03

SCHEDULING OF PENDING APPLICATIONS:

1.) Pura Vita, LLC, B: 108, L: 1.01 – Deemed incomplete 3.4.25

2.) Abbey Alpha, LLC B: 151, L: 22 & 22.02 – Completeness scheduled for 4.1.25

UPCOMING MEETINGS: April 1, 2025, April 15, 2025

EXECUTIVE SESSION:

A motion to go into Executive Session was made by Mr. Olsen and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

A motion to come out of Executive Session was made by Mr. Skewes and seconded by Mr. Then. Roll Call: Eric Karr – yes, Richard Then – yes, Krista Gilchrist – yes, Richard Skewes – yes, Joseph Ordile – yes, Eric Olsen – yes, James Casler – yes, Karen Rozek – yes, Paul Messerschmidt – yes. Motion carried.

ADJOURNMENT:

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

Respectfully submitted,

/s/ Stephanie Pizzulo

Stephanie Pizzulo

Land Use Administrator