



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
November 19, 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) - Absent
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 Brigliadoro, Esq.
Cory Stoner, PE
Stephanie Pizzulo, Secretary

Mr. Messerschmidt announced that the hearing for the Ringo Properties application had been carried to December 3, 2024 at 7:30pm without further notice to the surrounding property owners.

ADMINISTRATIVE ITEMS:

Approval of Minutes: October 29, 2024.

A motion to approve and adopt the minutes of the October 29, 2024 meeting was made by Mr. Skewes 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.) Woodmont Treatment Center, LLC B: 151, L: 22.02 Application # 24-09

A resolution granting preliminary and final site plan approval with “c” variance relief and exceptions from design standards in order to permit an in-patient substance abuse treatment center.

A motion to approve and adopt the resolution in the matter of Woodmont Treatment center, LLC was made by Mr. Olsen and seconded by Mr. Karr. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Karen Rozek – yes, John Carafello – yes, Paul Messerschmidt – yes. Motion carried.

ORDINANCES:

1.) 99 Mulford Road Redevelopment Plan B: 108, L: 1.05

Consistency determination for ordinance number 2024-19 which adopts a redevelopment plan with condemnation pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, ET SEQ. for property located at 99 Mulford Road, which the Redevelopment Plan shall be known as the 99 Mulford Road Redevelopment Plan.

Mr. Brigliadoro swore in Mr. Daniel Hauben, PP with DMR Architects. Mr. Hauben gave his qualifications which were accepted by the Board. Mr. Hauben said he was presenting a plan drafted by Mr. Frances Reiner, PP from his firm. Mr. Hauben handed out a printed copy of a power point presentation which was marked and entered as exhibit B-1. Mr. Brigliadoro swore in Mr. Frances Reiner, PP of the firm DMR Architects.

Mr. Hauben said he was presenting a redevelopment plan for 99 Mulford Road, Block 108, Lot 1.05. He explained the redevelopment three step process. He said the area in question is 16.69

acres and is the site of the former Woodland Behavioral and Nursing Center; a 543-bed nursing home. He said it is located in the SR Zone where the current permitted uses are agriculture, community shelters, family day care centers, nursing homes, public parks, playgrounds and municipal facilities and single-family dwellings. Mr. Hauben said the redevelopment plan would allow for age restricted duplex/ cottage type units, age restricted single-family cottage type units, groups homes, community centers and parks, open space, walking paths and amenities. He said the accessory uses would include uses that are traditionally ancillary to the permitted principal uses and site amenities such as pools, picnic areas, walkways, parking lots and community shuttle bus shelters. He said the minimum lot size would be 15 acres with a maximum of 130 units. He went over the bulk standards. He said each dwelling unit would have 1.5 parking spaces and the community center would have 12 parking spaces. Mr. Hauben said the affordable housing set aside has to be equal to or greater than 15% and explained the affordable housing credits. He said other requirements include a community center, lighting, sidewalks, landscaping, and on and off site infrastructure costs. Mr. Hauben said the plan is consistent with the Township's Master Plan especially in providing a variety of housing needs to meet the Township's housing obligation, provides good visual design and is visually compatible with surrounding uses. He said it is consistent with the State Redevelopment Plan. He felt the Board should make the determination that the redevelopment plan is consistent with the Master Plan and make that recommendation to the Governing Body.

Mr. Stoner asked for clarification on the reasons the plan is consistent with the Master Plan. Mr. Hauben said it is consistent with the goals of the Master Plan as far as preserving the community character and providing a variety of housing opportunities especially for seniors and people with disabilities. He felt it was compatible with the surrounding land uses. There is an adjacent existing condominium complex and some non-residential uses in the surrounding area. Mr. Stoner asked about the affordable housing. Mr. Hauben said the plan is designed to create not less than 18 affordable housing credits and would help achieve whatever 4th round number will be moving forward with all of the units required to be developed onsite. Mr. Stoner asked how closely tied the redevelopment plan is to the concept plan. Reiner said the bulk standards are what would ultimately apply however, the concept plan is fairly consistent to what would be presented as a potential site plan application. He said the group home component is intended to be along Mulford Road on a subdivided parcel from the main lot.

Ms. Gilchrist asked if there would be the need for a "d5" variance for density to which Mr. Hauben said no because the redevelopment plan provides for 130 units. He said so long as they stay within the 130 units, they would not need the variance.

Ms. Rozek asked about the access and egress onto O'Brien Lane for emergency equipment. Mr. Hauben said that would be handled during the site plan application. Mr. Reiner said as part of the site plan application, the fire department and the police department would review the site plan application and if it were deemed as a life safety issue and necessary, it would be added as part of the site plan application. Ms. Rozek asked about a water supply. Mr. Reiner said that would be part of the site plan application as well. He said the developer is required to pay for any offsite improvements.

Mr. Ordile noted an error in the ordinance and asked that it be corrected. Mr. Ordile felt the reference to the Route 206 corridor should be changed to the Route 15 corridor. Mr. Hauben said they would look at it. Mr. Ordile asked about the area being called a hamlet. Mr. Reiner said they would have to look at that. Mr. Ordile asked if the use of the term "hostile or halfway house" could be removed from the definition of Group Home. Mr. Hauben said that was the State definition of Group Home. Mr. Ordile asked about the total lot coverage to which Mr. Hauben said it would be 25%. There was a discussion on the EV parking spaces. Mr. Ordile noted that the mentioned floor and elevation plans were not included in the redevelopment plan. Mr. Hauben said he would look into it.

Mr. Karr said the State definition of a "hamlet" allows for other types of uses. He said there is a community building proposed and that fits the definition of a hamlet. He felt the intention of the hamlet was to allow other uses to be in a residential zone where they would not normally be permitted. Mr. Hauben said the State designation traditionally allows the Township to gain certain benefits when applying for technical assistance or grants. He said the State is currently updating their Plan.

Mr. Olsen asked how the Plan protects and maintains the prevailing character. Mr. Reiner said the development would be single family residences with trees, common open spaces, which are higher level characteristics of the community. Mr. Hauben said it is not detracting from the surrounding neighborhoods. Mr. Olsen asked how the Plan would retain attractive vistas. Mr. Reiner said there would be minimum amount of earthwork and grading.

Ms. Howell felt the dwelling unit percentages was lopsided. Mr. Hauben said seniors don't typically want multiple bedrooms. Ms. Howell disagreed. Mr. Reiner said they worked with a developer who has built these types of developments and they felt the percentages would be what the market would accept. Ms. Howell asked what the age restrictions would be. Mr. Hauben said it is 62 except a spouse could be 55, which is typical for senior housing.

Mr. Carafello asked about the square footage of the units to which Mr. Hauben read the dimensions out of the definitions. Mr. Carafello asked if it was a needed development in the community. Mr. Hauben said generally, there is a need for senior housing.

Mr. Ordile asked if the units would be rental or owner occupied. Mr. Briigliodoro said that under the Municipal Land Use law the form of residency cannot be regulated.

Mr. Olsen asked if each dwelling unit would be on its own lot. Mr. Reiner said the intent is not to subdivide the property however, it does allow for the group home to be on a subdivided lot.

Mr. Briigliodoro said the public hearing for the matter is set for December 5, 2024 at the Township Committee meeting.

A motion to find the ordinance is consistent with the Master Plan and send the noted suggested changes to the Township Committee was made by Ms. Gilchrist and seconded by Mr. Skewes. Roll Call: Eric Olsen – 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.

COMPLETENESS: None.

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

1.) Canniff, William & Michelle B:71 L: 3.01 Application # 24-7

The applicant proposes to add a detached 2-car garage (pole barn) and complete fenced side area of property.

Mr. Briigliodoro swore in Mr. William Canniff and Ms. Michelle Canniff, property owners and applicants.

Mr. Messerschmidt asked about the location of the proposed garage. Mr. Canniff said they were trying to put the garage by the driveway. He explained the location of the well and septic. He said the garage would be 20 feet from the property line. He said if they put the garage on the other side of the house they would have to extend the driveway. Mr. Canniff said their current garage is in the front yard.

Mr. Stoner said the house is turned 90 degrees to Hidden Valley Road with the back of the house to the right side and the front of the house facing the left side, which is due to the topography. He said they are proposing the garage at 46 feet off the right-of-way line, which requires a variance. He said an accessory structure is not permitted in the front yard and they

are proposing a fence in the front yard of the property at 6 feet high, which is higher than the 4 foot that is allowed. Mr. Stoner said he issued a violation on the property for the fence height and the black privacy canvas on the fence. Mr. Canniff said he thought the 6-foot fence was part of the pool permit. He explained they would move part of the fencing to enclose an area for the dogs and enclose the pool. Ms. Canniff said they were requesting a 6-foot fence because their dog could jump something lower than that. There was a discussion on the existing and proposed fencing and the heights of those fences. Mr. Canniff said the tarps were put up for privacy but have been removed from the fence and attached to the trees. Mr. Stoner said the application was for a 6-foot fence in the front yard and a garage in the front yard. There was a discussion on the variances needed.

Ms. Gilchrist asked if the fencing would be open chain-link to which Mr. Canniff said yes. Ms. Gilchrist asked if the driveway would be amended to which Mr. Canniff said they would add concrete from the driveway to the garage. There was a discussion on adjusting the fence with the garage.

Mr. Ordile asked about the existing dog run. Mr. Canniff said the entire 5-foot fence would be removed. Mr. Ordile asked for clarification on the dimensions on the plan. Mr. Canniff explained the dimension lines on the plan. Mr. Ordile asked if they would remove the black tarp. Mr. Canniff said they removed the tarp from the fence and attached it to the trees. Mr. Stoner said the tarp flaps around in the wind. There was a discussion on the privacy tarp. Mr. Stoner suggested privacy slats for the fence. Mr. Canniff said they would get something permanent and remove the tarp.

Mr. Ordile asked about the additional trees to be planted. Mr. Canniff said they are proposing evergreens. He said they want to conceal that part of the yard and to conceal the garage. Mr. Canniff said they would plant no less than 6 evergreens at no less than 2 feet at planting.

Mr. Olsen asked about the neighbors. Mr. Canniff said his one neighbor has no problem with the proposed garage however, the other neighbor was not happy with it. Mr. Olsen asked if the proposal would solve some of the issues. Mr. Canniff said taking the tarp down would solve some of the issues.

Mr. Messerschmidt asked why they wanted another two-car garage when they already had one. Mrs. Canniff said their existing garage could only fit one car because of the location of the of steps inside the garage. Mr. Messerschmidt asked if they are running a business out of their house. Mrs. Canniff said she is a dog trainer but does not have a business at the house. Mr. Canniff said his wife is a dog trainer and has gone to parks and other houses to train dogs. Mr. Canniff said they have three cars.

Ms. Howell asked how the pole barn fits into the aesthetics of the neighborhood. Mr. Canniff said it is a wood structure with a metal outside. He said the color will match the future color of their house and would blend in. Ms. Howell asked about the height of the garage to which Mr. Stoner said it is about 16 feet in height. Ms. Howell asked about the color to which Mr. Canniff

said it would be gray. Ms. Howell asked about the roof to which Mrs. Canniff said it would be metal. Ms. Howell asked about the size of the garage. Mr. Canniff said it would be a 30 X 30 because he has a large lawn mower to store in addition to his cars.

Mr. Degan asked if they considered placing the garage closer to the house. Mr. Canniff said the septic is behind that area. There was a discussion on moving the garage.

Mr. Carafello felt a pole barn is not appropriate for the neighborhood and it would devalue the properties. He felt a wood frame structure would better match the house as a pole barn is a utilitarian building. He said the setbacks are in place for a reason. Mr. Canniff said the garage could be done with vinyl on the outside. Mr. Karr asked for a rendering of the proposed garage.

Mr. Canniff presented the pole barn brochure which was marked and entered as exhibit A-1. He said it is a wood structure with a metal siding.

Mr. Stoner scaled the distance of the proposed garage and said it is in the building setback.

Mr. Messerschmidt opened the meeting to the public.

Mr. Brigliadoro swore in Ms. Christine Robinson. Ms. Robinson said she was the adjoining property owner. She felt there was no hardship for the requested variance because they already have a two-car garage. She felt the current fenced in area for the dogs was a generous size without extending into the front yard, which is their front facing property.

The Board took a five-minute break.

Ms. Robinson presented a seven-page document, which was marked and entered as exhibit O-1 through O-7. Exhibit O-1 was the cover page, exhibit O-2 was entitled "highlights", exhibit O-3 was a copy of the site map, exhibit O-4 was a copy of the zoning code, exhibit O-5 was two pictures of the fence entitled "Unlawful Fence", exhibit O-6 was a photo of the fence entitled "Condition of the Fence October 2024", and exhibit O-7 was a photo of the view from the Robinson's front door.

Ms. Robinson explained the orientation of the houses. She said she had lived there for 17 years and in order to keep the natural beauty of the area the setbacks are important to them. She said the existing fence does enclose the dog and pool area and felt there was enough area for the dogs. She felt a pole barn was a different setting from the other sheds in the area. She said it would be the first house one sees as they pull into Hidden Valley Road. Ms. Robinson said it was an industrial looking chain-link fence. She said it is running across the front of their property with no maintenance. She said the Canniff's do not see the fence from their house. Ms. Robinson said the tarp was up until recently. She said her current view is the wooded area, which would be replaced by a 30 X 30 structure.

Mr. Karr asked if there was a homeowner's association. Ms. Robinson said there is a community association however, they do not handle rules like this and they told her it was a Township issue. Mr. Ordile asked for clarification on the fence and why it was unlawful. Mr. Stoner said it was installed without a permit. There was a discussion on the location of the fence. Ms. Robinson felt the fence did not fit into the beauty of the neighborhood. Mr. Ordile asked if the fence is visible when the leaves are on the trees to which Ms. Robinson said it is less visible.

Mr. Brigliadoro swore in Ms. Denise Goble. Ms. Goble said she lives in the area and felt the neighborhood had a nature-like setting. She felt the structure would not be aesthetically appropriate or pleasing to the neighborhood. She felt putting it in a different location on the property would be more appropriate. Ms. Goble asked when the last variance was issued for a variance of this nature. She felt the proposed trees to buffer the fencing was not appropriate or enough. She said she could see the tarps from her property. She felt the size of the proposed structure was not appropriate for the neighborhood.

Mr. Brigliadoro swore in Ms. Susan Kozlowski. She said she objects to the variance because the applicant has previously disregarded zoning regulations. She felt the proposed garage would be unsightly and alter the landscape of the neighborhood. She felt it could affect property values.

Mr. Brigliadoro swore in Mr. Wayne Grenewicz. Mr. Grenewicz said Giant Green Arborvitae grow extremely fast. He said there are places on the property where the structure could be placed without a variance and then the neighbors would be seeing it without the applicant appearing before the Board. He said if they move the pole barn and it conforms, it would still be seen. He felt the applicant had the right to use their property.

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

Ms. Canniff said the Robinson's have cleared about 20 feet of the Canniff's property which is where they put the fence. Ms. Canniff said if they had not cleared their property, the fence would be in the woods and would not be seen.

Ms. Howell asked if any trees would need to be removed to which Mr. Canniff said no.

Mr. Ordile asked where the ATV's were ridden. Mr. Canniff said they ride on their front yard. Mr. Ordile asked Mr. Stoner how far into the setback the garage would be to which Mr. Stoner explained the setback distances.

Mr. Stoner asked for clarification on which part of the fence would have privacy slates. Mr. Canniff said they would add the privacy slates to the fencing along the Robinson's property line.

Mr. Messerschmidt reopened the hearing to the public.

Mr. Ordile asked Ms. Robinson what was cleared out of the Canniff's property. Ms. Robinson said they had not cleared anything from the property since they had purchased it. Ms. Canniff said she was referring to the clearing of brush not trees.

Mr. Briigliodoro swore in Mr. Brian Robinson. Mr. Robinson said they thought their property went up to the fence line however, they did not clear or cut anything. Mr. Karr asked Mr. Robinson if he would prefer an open or screened chain link fence. Mr. Robinson said he would prefer the fence be removed. He said a privacy fence would not do anything because of the topography of the land. Mr. Robinson said he would prefer the open fence.

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

Ms. Gilchrist asked if the applicant would agree to add adequate landscaping along the fence line. Ms. Canniff said nothing grows in the woods in that area.

Mr. Degan asked if the fence is completely on the Canniff's property to which Ms. Canniff said it is a foot away from the property line. There was a discussion on the terrain of the property and if the garage could be moved.

Mr. Briigliodoro said the variance is for the garage in the front yard and the fence within the front yard at a height of six feet. He said the conditions are that the tarp would be removed, and the plantings are no less than six trees at no less than 2 feet at planting. Mr. Stoner asked where the six trees would be located. There was a discussion on the location of the trees. The Board agreed the six trees would be planted between Hidden Valley Road and the garage. Ms. Gilchrist requested a landscape plan with the trees extended along the fence line between the two properties. There was a discussion on adding trees along the red line on the submitted plan along the Canniff and Robinson property line. Mr. Messerschmidt suggested that further landscaping be done to protect the sight distance along the fence on the common boundary line with Lot 3.02 but planted further in away from the wooded canopy area. He said this would need to be added to a landscape plan and presented to the Board Engineer for his approval. Mr. Ordile suggested landscaping at the back of the proposed garage instead of the fence.

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

2.) 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.

Mr. Messerschmidt announced earlier that the hearing for the Ringo Properties application had been carried to December 3, 2024 without further notice to the public.

OLD BUSINESS: None.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said the Township Committee would have a public hearing on December 5, 2024 for redevelopment plan that was just recommended by the Board. He said Mayor Walsh received the Sussex County Economic Development Partnership Mayor of the Year Award.

Environmental Commission –Eric Olsen

Mr. Olsen had nothing new to report.

Sustainable Andover – Eric Olsen

Mr. Olsen had nothing new to report.

Economic Development Committee – John Carafello

Mr. Carafello said they are working on becoming “film ready” certified with the State. He expressed the need for short term rentals.

Master Plan – Joseph Ordile

Mr. Ordile said they finished working on all of the elements of the Master Plan and they have a draft version.

VOUCHERS:

Company	Purpose	Amount	Paid By
Harold Pellow Assoc.	Engineering	\$58.00	Budget
Harold Pellow Assoc.	Feels of Green, LLC	\$290.00	Applicant’s Escrow
Harold Pellow Assoc.	Seegull, LLC	\$202.50	Applicant’s Escrow
Harold Pellow Assoc.	Canniff, William & Michelle	\$213.00	Applicant’s Escrow
Harold Pellow Assoc.	National Land Developers	\$1,502.00	Applicant’s Escrow
Harold Pellow Assoc.	Czapelski/Seidman	\$106.50	Applicant’s Escrow
Harold Pellow Assoc.	Woodmont Treatment Center, LLC	\$329.00	Applicant’s Escrow
Harold Pellow Assoc.	Master Plan	\$348.00	Budget
Harold Pellow Assoc.	Priority Compactor Repair, LLC	\$355.00	Applicant’s Escrow
Harold Pellow Assoc.	Suez Water	\$174.00	Applicant’s Escrow
Weiner Law Group	Legal	\$1,623.00	Budget
Weiner Law Group	Ringo Properties, LLC	\$928.00	Applicant’s Escrow
Weiner Law Group	Perona Realty Corp.	\$128.00	Applicant’s Escrow
Weiner Law Group	National Land Developers	\$2,000.00	Applicant’s Escrow
Weiner Law Group	Woodmont Treatment Center, LLC	\$2,176.00	Applicant’s Escrow
Wiener Law Group	Canniff, William & Michelle	\$320.00	Applicant’s Escrow

A motion to approve the vouchers was made by Mr. Ordile and seconded by Mr. Skewes. Roll Call: Eric Olsen – yes, Eric Karr – 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.

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:

- 1.) From: County of Sussex – Department of Engineering
Re: Perona Realty Corp., B: 69, L: 8, 10, 11
- 2.) From: County of Sussex – Department of Engineering
Re: Sussex Firearms, B: 106, L: 17.08

PENDING APPLICATIONS:

- 1.) Sussex Firearms – completeness determination 11.19.24

UPCOMING MEETINGS: December 3, 2024, December 17, 2024

ADJOURNMENT:

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

Respectfully submitted,

/s/ Stephanie Pizzulo

Stephanie Pizzulo

Land Use Administrator