

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
JULY 18, 2017**

OPEN MEETING: Chairman Howell called the meeting to order at 7:30 p.m. and led the flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman Howell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85.

ROLL CALL:

Ken Roberts – Present
Paul Messerschmidt, Vice Chairman — Present
CeCe Pattison — Present @ 7:35 p.m.
Ellsworth Bensley, Jr., – Present @ 7:35 p.m.
Dolores Blackburn – Present
Eric Olsen – Present
John O'Connell – Present
Richard Skewes – Present
Suzanne Howell, Chairman – Present

BOARD PROFESSIONALS:

Richard Briigliodoro, Esq. – Present
William Moran, P.E. – Present

MINUTES:

Minutes of the Andover Township Land Use Board Meeting Held June 20, 2017: A motion to approve was made by Richard Skewes and seconded by Ken Roberts. Roll Call: Ken Roberts – yes, Dolores Blackburn – yes, Eric Olsen – yes, John O'Connell – yes, Richard Skewes – yes, Suzanne Howell – yes. The motion carried.

RESOLUTIONS: A-12-15-1a, Stanhope Sparta Road, LLC, D Variance, Preliminary and Final Site Plan, C Variance, Certificate of Nonconforming Use, Block 153 Lot 24 – A motion to approve was made by Richard Skewes and seconded by CeCe Pattison. A spelling correction was noted at page eleven – *Kolstadt* to Kolstad. Roll Call: Ken Roberts – yes, Richard Skewes – yes, CeCe Pattison – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

SITE PLAN WAIVER REVIEW: **A-6-17-1, AG Choice, LLC, Site Plan Waiver Application, Block 128 Lot 4.02** — William Moran, P.E., reviewed the attached report dated July 3, 2017 prepared by Joseph R. Golden, P.E., P.P., C.M.E. Board members acknowledged the recommendation to grant a site plan waiver. Mr. Roberts requested that the engineer provide more information in future reports to the Board.

Cara A. Parmigiani, Esq., appeared on behalf of the Applicant. Applicant Jay Fischer was sworn. He stated he is the founder and president of Ag Choice, LLC. Mr. Fischer presented his business in operation at Block 128 Lot 4.02 contains 2500 sq.ft. of office space and 20,000 sq.ft. of warehouse space. He referred Board members to the company's website for details on the subject operation that hand processes Nespresso coffee pods and recycles the aluminum capsules, plastic, and cardboard. He explained the used pods could be sent via UPS mailers to the site. Mr. Fischer stated the used coffee is sent out and composted. He stated other food products are also processed by unboxing them, recycling the box, and recycling the out-of-date food items. He stated no water or chemicals are used in the processes.

Mr. Fischer presented he currently has fifteen employees onsite and is at full staff. He stated he has one tractor-trailer as well as five trucks in service that are typically out all day. He stated roll-on containers are used and material can be stockpiled for two weeks and then process everything in the compactor over a two-day period. Mr. Fischer confirmed the coffee grounds are stored inside. He noted he contracts with Terminix and there is a comprehensive rodent control program in place.

Chairman Howell opened the meeting to the public. No members of the public addressed the Board. The meeting was closed to the public.

A motion to grant the site plan waiver request was made by John O'Connell and seconded by Paul Messerschmidt. Roll Call: Ken Roberts – yes, CeCe Pattison – yes, Ellsworth Bensley, Jr., – yes, John O'Connell – yes, Dolores Blackburn – yes, Eric Olsen – yes, Richard Skewes – yes, Paul Messerschmidt – yes, Suzanne Howell – yes. The motion carried.

PUBLIC PORTION: Chairman Howell opened the meeting to the public for general comments and inquiries. Environmental Commission representative Kolstad questioned policy and procedure relative to expert witness testimony, the Board's ability to amend conditions post approval, and the preparation of the minutes. Concern about testimony regarding safety and the lack of a Board imposed requirement to perform a risk assessment was presented. He questioned the Board's consideration of Environmental Commission input.

Richard Briigliodoro, Esq., reviewed MLUL precepts and confirmed the Board had the option to hire technical experts at the Applicant's expense. With reference to amending conditions post approval, Chairman Howell stated the A-12-15-1a, Stanhope Sparta Road, LLC, D Variance, Preliminary and Final Site Plan, C Variance, Certificate of Nonconforming Use, Block 153 Lot 24 matter was decided at the hearing. Richard Briigliodoro, Esq., noted the Applicant was subject to permitting from various agencies as well as the conditions of the resolution.

Ms. Blackburn noted the Fire and Police Departments also reviewed the matter. Following discussion, the Board acknowledged the advisory role of the Environmental Commission and agreed to amend the Board's hearing protocol and sequence the Environmental Commission's presentation after the Board's engineering and planning reviews. Board members assured the Environmental Commission that their recommendations were appreciated.

The meeting was closed to the public.

OLD/NEW BUSINESS:

Liaison Reports — Open Space Committee, Township Committee, Environmental Commission, Sustainable Andover, Redevelopment Subcommittee:

- **Open Space Committee** — Suzanne Howell stated no meeting was held since the last Land Use Board meeting.
- **Andover Township Committee** — Dolores Blackburn stated a meeting was held with potential developers of the Abbey property that may petition to develop with a drug rehab. She suggested the Board consider what uses would be desirable.
- **Environmental Commission** — Mr. Olsen stated no meeting was held since the last Land Use Board meeting.
- **Sustainable Andover** — There were no comments.
- **Redevelopment Subcommittee** — Dolores Blackburn presented the Township Committee was working on the required finance mechanisms to allow the authorization to proceed with the engagement of the professionals and further committee work.

Mr. O'Connell noted he would present on drive-in windows in the future.

Scheduling: Following discussion, the Board cancelled the August 1, 2017 meeting and confirmed the August 15, 2017 meeting date.

VOUCHERS: A motion to approve the vouchers was made by John O'Connell and seconded by Ken Roberts. A bill was reviewed and it was confirmed that the bill was charged to escrow. All were in favor. The motion carried.

ADJOURNMENT: Having no further business, a motion to adjourn was made by John O'Connell and seconded by Paul Messerschmidt. The meeting concluded at 8:30 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm

Land Use Administrator