

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
OCTOBER 3, 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
Ellsworth Bensley, Jr., – Present
Dolores Blackburn – Present
Eric Olsen – Present
John O'Connell – Present
Richard Skewes – Present
Mildred DiIorio [Alternate I] – Present
Suzanne Howell, Chairman – Present

BOARD PROFESSIONALS:

Richard Brigliadoro, Esq.
Joseph R. Golden, P.E., P.P., C.M.E.

MINUTES:

Minutes of the Andover Township Land Use Board Meeting Held September 19, 2017: A motion to approve was made by Ellsworth Bensley, Jr., and seconded by Paul Messerschmidt. A correction to page three to revise *wood ducks* to *wood duck houses* was noted. Roll Call: Paul Messerschmidt – yes, CeCe Pattison – yes, Ellsworth Bensley, Jr., – yes, John O'Connell – yes, Richard Skewes – yes, Mildred DiIorio – yes, Suzanne Howell – yes. The motion carried.

RESOLUTIONS: There were no resolutions scheduled.

Board members Ellsworth Bensley, Jr., Dolores Blackburn, and Eric Olsen stepped down for the hearing noted below. The Board was constituted as a Zoning Board of Adjustment.

HEARING: A-8-17-1, Logan, Stephen. “C” Variance. Block 6 Lot 6: Board members discussed completeness. Following discussion, Board Engineer Golden recommended the Applicant be deemed complete. A motion to deem the application complete was made by

John O'Connell and seconded by Paul Messerschmidt. Roll Call: Ken Roberts – yes, Richard Skewes – yes, Paul Messerschmidt – yes, CeCe Pattison – yes, John O'Connell – yes, Mildred DiIorio – yes, Suzanne Howell – yes.

Richard Brigliadoro, Esq., confirmed the Board had jurisdiction. Roger W. Thomas, Esq., appeared on behalf of the Applicant and presented the application for bulk variance relief for a rear yard setback of 2.8 ft. where 20 ft. is required. He confirmed the Applicant would comply with a report dated September 10, 2017 prepared by Board Engineer Joseph R. Golden, P.E., P.P., C.M.E. Applicant Stephen Logan was sworn. He stated he has owned the subject property for five years and began construction of the patio improvement that he designed in March of 2016. He stated he did not know he needed to obtain permits and was advised by the Zoning Officer that he must apply for a variance. He stated he also built an extended deck to meet the patio that was built on the footprint of the patio existing when he bought the home. Mr. Logan confirmed that he believed there was no other location to put the improvement as his home is setback from the road, his driveway is located in front of the house, and there are significant grade differentials at the side yard. He confirmed the garage is located under the home and the house was built in 1949. He confirmed that he did talk to the rear property owner to see if he could purchase a piece of his property to abate the violation of the setback, and a purchase of that land was not an option. Mr. Logan also stated he assumed the previous patio was approved when he bought the home. He stated he designed the improvement and hired labors to build it. Mr. Logan testified he built the improvement for recreational purposes.

Applicant's Exhibits A-1 thru A-3 were submitted and described as follows:

A-1: Mr. Thomas described the exhibit as an aerial Google Map photo showing the subject property and home in relation to neighboring homes with foliage in place.

A-2: Mr. Logan described the exhibit as a photo he took showing the improvements with a view of the rear of his property and the lot behind it. Mr. Logan stated the rear property is 15-17 acres in size.

A-3: Mr. Thomas stated the photo depicts a southerly wintertime view from the rear yard of the subject property.

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

Mr. Thomas presented witnesses. Mr. Robert Sapienza was sworn. He stated he is a neighbor and the improvement is a nice distance from his house. He estimated it is 1500ft. and the view is obstructed by a row of trees. Mr. Sapienza stated the Applicant did a beautiful job and the improvement is not a detriment or a problem. Referencing Exhibit A-2, Mr. Sapienza identified his home and stated his home is lower in elevation than the subject property.

Ms. Constance Anderson was sworn. Referencing Exhibit A-1, she identified her home. She stated she has no view of the patio and a partial view of the deck. She stated her view obstructed by the angle and vegetation. She stated the improvement is an asset to the surrounding properties.

Ms. Beverly Wasniewski was sworn. She identified her property on the survey as the closest neighboring property at the southern line. She stated she has observed both the deck and patio and has no objection to the improvement. Ms. Wasniewski stated the Applicant showed her his plan before he built it.

The Applicant presented no other witnesses. Chairman Howell opened to the public. No members of the public addressed the Board. The meeting was closed to the public.

Mr. Thomas presented that the Applicant met the statutory criteria enabling the granting “c(1)” and “c(2)” variance relief. He described the subject property as a “bowling alley lot” noting the property is long and narrow. He explained the patio was built on the existing patio footprint and extending the deck made the improvements nicer. He opined the improvements could not be placed in in the side yard due to the elevation changes.

Further, Mr. Thomas addressed the positive criteria noting that the improvements advanced the purposes of zoning by creating a recreation opportunity, a positive visual environment, and an enhancement of the neighborhood. He stated the negative criteria were also satisfied; as the project poses no substantial detriment to the public good, ordinance, or zone plan.

A motion to grant the variance for rear yard setback subject to the Applicant’s compliance with Mr. Golden’s request for a survey with a signature block was made by Paul Messerschmidt and seconded by CeCe Pattison. Roll Call: Ken Roberts – yes, Richard Skewes – yes, Paul Messerschmidt – yes, CeCe Pattison – yes, John O’Connell – yes, Mildred DiIorio – yes, Suzanne Howell – yes. The motion carried.

Board members Blackburn, Olsen and Bensley returned to the dais.

ORDINANCE REFERRALS:

— **ORDINANCE 2017-11 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY CHAPTER 190, SECTION 90, “PROHIBITED SIGNS”**

The Board reviewed the revised ordinance. Paul Messerschmidt stated he could not determine if the ordinance was consistent with the Andover Township Master Plan and preferred to have the planner’s input. Joseph R. Golden, P.E., P.P., C.M.E., stated he had no comment and did not go over the Master Plan with respect to signs.

A motion to find the ordinance consistent with the Andover Township Master Plan and recommend its adoption as written was made by John O’Connell and seconded by Richard Skewes. Roll Call: Ken Roberts – yes, Richard Skewes – yes, Paul Messerschmidt – no, CeCe Pattison – yes, Ellsworth Bensley, Jr., – yes, Dolores Blackburn – yes, Eric Olsen – no, John O’Connell – yes, Suzanne Howell – yes. The motion carried.

— **ORDINANCE 2017-14 AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, IN THE COUNTY OF SUSSEX, AND THE STATE OF NEW JERSEY, TO MODIFY ARTICLE XI, SIGNS, CHAPTER 190, SECTION 91, “GENERAL SIGN REQUIREMENTS” AT PARAGRAPH F**

Board members reviewed the revised ordinance. A motion to find the ordinance consistent with the Master Plan and recommend its adoption as written was made by John O'Connell and seconded by Ken Roberts. There was no discussion. Roll Call: Ken Roberts – yes, Richard Skewes – yes, Paul Messerschmidt – no, CeCe Pattison – yes, Ellsworth Bensley, Jr., – yes, Dolores Blackburn – yes, Eric Olsen – yes, John O'Connell – yes, Suzanne Howell – yes. The motion carried.

PUBLIC PORTION: Chairman Howell opened the meeting to the public for general comments and inquiries.

No members of the public were sworn.

Chairman Howell closed the meeting 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 the Committee had not met.
- **Andover Township Committee** — Dolores Blackburn presented the Andover Nursing Home had been sold.
- **Environmental Commission** — Eric Olsen stated the Commission had not met.
- **Sustainable Andover** — Eric Olsen stated the group had not met.
- **Redevelopment Subcommittee** — John O'Connell provided suggested ordinance revisions to the ordinance relative to drive-thru facilities. He agreed to draft an ordinance for the Board's review.

Scheduling: October 17, 2017 and November 21, 2017 meeting dates were confirmed.

VOUCHERS: There were no vouchers scheduled for review.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Ellsworth Bensley, Jr., and seconded by Ken Roberts. All were in favor. The meeting concluded at 8:45 p.m.

Minutes respectfully submitted by:

/s/Anne-Marie Wilhelm
Anne-Marie Wilhelm
Land

Use