

**A REGULAR MEETING OF THE PLANNING/ZONING BOARD OF THE BOROUGH OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY WAS HELD ON MONDAY, JUNE 15<sup>th</sup>, 2015 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

**PRESENT:** Messrs. Walter, Disabunjong, Morgan,  
Mrs. Smith and Mrs. Brothman

**ABSENT:** Mr. McGowan, Mr. Howard, Mr. Pearson, (vacancy)

**ALSO PRESENT:** Ursula Leo, Attorney

The meeting was called to order with a salute to the flag and in accordance with the Open Public Meetings Act by advertising notice of the meeting in the N.J. Herald and by posting copy of notice in the Borough Hall.

**OATH OF OFFICE:**

The oath of office was administered to Jim Walter, Class IV – 4 year term

**MINUTES:**

A MOTION was made by Mrs. Smith, seconded by Mayor Morgan to approve the minutes of the March 16<sup>th</sup>, 2015 meeting. Upon roll call the following votes were cast: AYES: Disabunjong, Morgan, Smith and Brothman. NAYS: None. ABSTAIN: Walter. Motion carried.

**AUDIENCE PARTICIPATION:** None.

**FORMAL:**

Applicant: Thomas Baranard & Christian Barnard – “The Rampant Bear”  
Request for waiver of site plan for: 127 Main Street, block 21 lot 3 Zone C1  
Existing Use: Antique & Consignments (vacant) Proposed Use: Antique & Consignments

Thomas Bernard appeared before the board with his son Christian Bernard to request a waiver of site plan to open an antique / consignment store / used merchandise at 127 Main Street. They were sworn and testified that their usual residence is 13 Carpenter Place, Sparta NJ. They reported that their hours of operation will be seven days a week from 8 a.m. to 9 p.m. Parking will be along Route 206 Main Street and there will be 2-3 family members who will operate the business. They will use existing signage and intend to name the store “The Rampant Bear”. They testified that they will not be storing any items outside and any displays will be brought in at evening. They also testified that they will not be storing any items in the alley.

A MOTION was made by Mrs. Smith, seconded by Mayor Morgan to approve the application. Upon roll call the following votes were cast: AYES: Walter, Disabunjong, Morgan, Smith and Brothman. NAYS: None. Motion carried.

**WHEREAS**, Thomas Barnard and Christian Barnard have made application to the Andover Borough Planning/Zoning Board for site plan waiver for property known as Block 21, Lot 3, as shown on the Tax Map of the Borough of Andover, located at 127 Main Street, and situated in the C-1 Commercial Zone and,

**WHEREAS**, pursuant to N.J.S.A. 40:55D-25, the Borough of Andover has by ordinance established the Andover Planning/Zoning Board which has dual powers of planning and zoning; and,

**WHEREAS**, a public hearing was conducted on June 15, 2015, after the Board determined it had jurisdiction; and,

**WHEREAS**, the applicant appeared without an attorney;

**NOW, THEREFORE**, the Planning/Zoning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

Thomas Barnard and his son, Christian Barnard, appeared requesting a site plan waiver due to the change in ownership of this property located at 127 Main Street. Christian Barnard has been buying and selling items successfully and desires a store to sell his goods. The store will sell mainly used merchandise with some consignment and many unique items. The sale of items will be similar to other existing shops located on Main Street within the Borough.

The desired hours of operation for the store are 8:00 a.m. to 9:00 p.m., seven days a week. The store will be mainly family-run but shall also be entitled to have up to three employees for operations. The existing sign will be utilized on the property. There is no private parking on the site and only public street parking is available.

Outdoor display will be permitted as long as all items are brought inside every evening and nothing is located on any sidewalk or impeding any access area. No structural changes are proposed as part of this application and there will be no overnight storage or overnight display of any items.

There were no members of the public present expressing an interest in this application.

**NOW, THEREFORE**, the Planning/Zoning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The Municipal Land Use Law states that a Board may grant exceptions from requirements of approval for site plans where such exceptions are reasonable and within the general purpose and intent of the provisions for site plan review, pursuant to N.J.S.A. 40:55D-51. This Board is satisfied that the applicant is entitled to a waiver from certain requirements of site plan approval because the condition of the property is satisfactory and meets local ordinance requirements.

A motion was made by Board Member Smith, seconded by Board Member Morgan, to grant the requested site plan waiver.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board, that the application of Thomas Barnard and Christian Barnard, for Block 21, Lot 3, as shown on the Tax Map of the Borough of Andover, requesting a site plan waiver, is granted, pursuant to N.J.S.A. 40:55D-51, subject to the following terms and conditions:

1. The applicant is bound to comply with the representations made to the Board by the applicant.

2. Outdoor items may be displayed in front of the property, but shall not be displayed overnight, and no item shall be located on the sidewalk or where access is required.
3. There shall be no overnight storage or overnight display of any items.
4. The applicant shall comply with the Borough Code regarding signage on the property.
5. The applicant shall comply with any and all relevant building and health code requirements.
6. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of any request by the Board's Secretary.
7. Certificate that taxes are paid to date of approval.

Subject to all other applicable rules, regulations, ordinances and statutes of the

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Applicant: Carol Berkowicz  
Request for waiver of site plan for: 2 Lenape Road, block 11 lot 3.01  
Existing Use: Antique Shop (vacant) Proposed Use: Antiques Gifts & Thrifty Items

Carol Berkowicz appeared before the board to request a waiver of site plan to open store with new & used items at 2 Lenape Road (old hardware store). Mrs. Berkowicz was sworn and testified that her usual residence is 203 Main Street, Andover NJ. She reported that the hours of operation would be seven days per week from 8 a.m. to 9 p.m. She would have two employees, one being herself. She will be keeping the existing signage and name the location "The Pink House". She requested an approval for outdoor display and some storage. She agreed that the back building is for storage only and that she would not sublet that building. She also agreed that any outdoor items would not be tarped and that no trucks would be left at the location. As she does house clean outs she would be selling a combination of new items and gently used items with some being antiques.

A MOTION was made by Mrs. Brothman, seconded by Mayor Morgan to approve the application. Upon roll call the following votes were cast: AYES: Walter, Disabunjong, Morgan, Smith and Brothman. NAYS: None. Motion carried.

**WHEREAS**, Carol Berkowicz has made application to the Andover Borough Planning/Zoning Board for site plan waiver for property known as Block 11, Lot 3.01, as shown on the Tax Map of the Borough of Andover, located at 2 Lenape Road, and situated in the C-1 Commercial Zone and,

**WHEREAS**, pursuant to N.J.S.A. 40:55D-25, the Borough of Andover has by ordinance established the Andover Planning/Zoning Board which has dual powers of planning and zoning; and,

**WHEREAS**, a public hearing was conducted on June 15, 2015, after the Board determined it had jurisdiction; and,

**WHEREAS**, the applicant appeared without an attorney;

**NOW, THEREFORE**, the Planning/Zoning Board makes the following findings of

fact, based on evidence presented at its public hearing, at which a record was made.

Ms. Berkowicz appeared requesting site plan waiver to open a store for the sale of antiques, gifts and thrifty items. Ms. Berkowicz currently operates the Pink House in Andover Township and has outgrown her space. She has been in business since 1982 and this new location would be a continuation of the business currently existing at the Pink House. A six month lease has been entered into, whereby the lease of the 2,800 square foot building on the property and its outbuilding thereto will be utilized. The sale of items will include both new and used antiques, gifts and thrifty items. Nothing that requires licensing will be sold, including firearms and food, among other items. The number of employees will not exceed a total of four. Ms. Berkowicz testified that it will mainly be she and her husband, although some employees will assist especially with loading and unloading items. The hours proposed for the store are 8:00 a.m. to 9:00 p.m., seven days per week, and all deliveries shall be made within that time frame. The parking for the property is as exists and will be shared with the adjoining parcel. The accessory buildings, other than the main building, shall be utilized only for storage and no customers shall enter such buildings. There shall be no subleases permitted within the store.

Ms. Berkowicz testified that the existing signs will be utilized. There was discussion regarding the sale of outdoor items on the property. A previous Resolution of approval, memorialized on January 23, 2012, granted Steve Marco approval to store 16 items outside on the property, as long as they were in compliance with the Borough Code, and all applicable laws and regulations, with each item limited to seven feet high and three feet long. Ms. Berkowicz sought similar approval for 16 outdoor items, but asked that the size limitation be waived as she had a church pew that she would like to display outside. "Outdoors" includes not only the grass, pavement and all other outside areas on the property, but also includes the patio and anything that is not surrounded by four walls and enclosed with roofing and access.

It was discussed that the approval will only permit 16 total items stored outside, including the patio area. The outdoor storage shall be limited to the patio and grassy patch located to the northeast of the building. There is no size restrictions on the 16 items stored outdoors. It should be noted that a five-piece patio set, consisting of one table and four chairs, shall be counted as five items displayed/stored outside of the 16 total items permitted.

There were no members of the public present expressing an interest in this application.

**NOW, THEREFORE,** the Planning/Zoning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The Municipal Land Use Law states that a Board may grant exceptions from

requirements of approval for site plans where such exceptions are reasonable and within the general purpose and intent of the provisions for site plan review, pursuant to N.J.S.A. 40:55D-51. This Board is satisfied that the applicant is entitled to a waiver from certain requirements of site plan approval because the condition of the property is satisfactory and meets local ordinance requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning/Zoning Board, that the application of Carol Berkowicz, for Block 11, Lot 3.01, as shown on the Tax Map of the Borough of Andover, requesting a site plan waiver, is granted, pursuant to N.J.S.A. 40:55D-51, subject to the following terms and conditions:

1. The applicant is bound to comply with the representations made to the Board by the applicant.

2. The applicant shall comply with any and all relevant building and health code requirements.

3. The applicant shall be limited to a maximum of 16 total items stored, displayed or in any way located outside on the property. This includes items that are stored only temporarily and those displayed for a longer period of time. At no time may more than 16 items be displayed outside. The outdoor display is limited to only the patio and the grassy patch on the northeast side of the building. There shall be no display or storage of goods other than on the grassy area to the northeast of the building and the existing patio. Outdoors is specifically defined to include the patio, and items on the patio count towards the maximum 16 item limitation. No items shall, at any time, be stored on the pavement or other grassy areas, other than the northeast patch of grass.

4. The applicant shall comply with Borough Code and other relevant laws and regulations regarding the existing signs on its property, including the Borough Sign Ordinance.

5. No tarp(s) shall be permitted to cover any of the 16 permitted outdoor items at any time.

6. No permanent truck parking shall take place on the property.

7. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of any request by the Board's Secretary.

8. Certificate that taxes are paid to date of approval.

9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Andover, County of Sussex, State of New Jersey, or any other jurisdiction.

**CORRESPONDENCE:** None.

**NEW BUSINESS:** It was reported that the 20 acre farm on Brighton Avenue has been sold and is under renovation.

**OLD BUSINESS:** None.

**RESOLUTIONS:** None.

**AUDIENCE PARTICIPATION:** None.

A MOTION was made by Mayor Morgan, seconded by Mr. Disbunjong to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.

  
Beth Brothman  
Board Secretary