

**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, SEPTEMBER 21, 2015 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.**

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

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

**ALSO PRESENT:** Tom Prol, 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: Peter Pearson, Class III -yearly  
Edward Conrads, Class IV – 3 year term

**MINUTES:**

A MOTION was made by Mayor Morgan, seconded by Mrs. Smith to approve the minutes of the September 21<sup>st</sup>, 2015 meeting. Upon roll call the following votes were cast: AYES: Disabunjong, Walter, Morgan, Smith and Brothman. NAYS: None. ABSTAIN: Walter & Pearson. Motion carried.

**AUDIENCE PARTICIPATION:** None.

**ENGINEER REPORTS:** The following reports were reviewed and placed on file.

5-7-15 Sunn Kis, LLC – block 27 lot 6 – Site Plan & Variance Application  
Re: Application deemed complete

6-23-15 Sunn Kis, LLC – block 27 lot 6 – Site Plan & Variance Application  
Re: Notification of requested waivers from Sussex County Land Development Standards

7-15-15 Sunn Kis, LLC – block 27 lot 6 – Site Plan & Variance Application  
Re: Granted waivers from Sussex County Land Development Standards

9-11-15 Sunn Kis, LLC – block 27 lot 6 - Site Plan & Variance Application  
Re: Substantial compliance with approved site plan

9-17-15 Doherty, 5 Brandon Ct. - block 24 lot 31.07 – Variance Application  
Re: Application review for Board hearing

**FORMAL APPLICATIONS:**

Applicant: Kim De Carlo  
Application: Waiver of Site Plan  
Location: 196A Main Street, Block 19 Lot 24  
Zone: C1  
Existing Use:

The applicant appeared before the board and was sworn and testified to the following information. Ms. DeCarlo designs T-shirts and purchased the existing business located in the 3-store building on the property of 196 Main Street. She testified that there is some foot traffic with a few customers a day and no truck traffic. Her hours of operation will be from 9 a.m. to 9 p.m. Operating six days per week and closed on Sunday.

The Board inquired as to the signage for her business; Ms. DeCarlo then requested to have a “sandwich board” that would be put out in the day and taken in at closing. At this

time the planning members were advised by the Board Secretary that this building was currently at the maximum amount of allowable signage. The last request for signage was granted at a hearing to the applicant for Andover Hunt & Fish, Edward and Garrett Kazar, in a resolution dated 9/17/2012 and another request from Edward and Garrett Kazar was for additional signage was denied at a hearing in a resolution dated 7/21/2014. Ms. DeCarlo then asked about displaying business flags outside as she creates them as part of her business. The Board attorney at this time advised the applicant that she should defer these questions of signage to the Zoning Officer. Ms. DeCarlo agreed that she would do that.

The question of parking spaces was asked and Ms. DeCarlo testified that there were eight spaces – three in the front of the store and five to the right of the store. She also testified that there will be no overnight parking. A member of the Board asked about a car port at the location alongside of her place of business. She stated that the car port was not hers and that it belonged to another business owner in the sign shop and reaffirmed it was not hers as she was only a tenant. The Board required some clarification on the matter of how the business was divided since her testimony was that her operation was a shirt & sign shop; however she was now stating she is not involved with making any signs. Ms. DeCarlo explained that her lease was with Andover Hunt & Fish another business at the location, not the other operator of the shirt and sign business. She reiterated she was sharing the space with the sign operator and that they both were leasing from Andover Hunt and Fish. At this time, a member of the audience interjected with the following statement: “you lease from our consultant not Hunt & Fish”. Upon a request from the Board Secretary if the audience member could identify herself for the record, she stated her name was Carolyn Kazar. The Board Attorney asked if she would like to present testimony to which she refused and when it was assumed she was the landlord as her last name was the same as the business owner of Andover Hunt & Fish, she stated was not the landlord and that her name was “not on the paper.”

Ms. DeCarlo continued with her testimony by stating that she splits the rent with the sign business and they both have a lease agreement. At this time she verified she was the only employee. The Board again needed clarity since she was stating she was the only employee, yet there is in the same space another business owner who she shares a business name and splits the rent. At this time, another member of the audience asked to be entered into record. Mr. Joseph Rich was then sworn and testified that he is in a relationship with Ms. DeCarlo and was a customer of this operation. He became aware of the fact that the person who operated the shirt portion of the business would be interested in selling his share. Mr. Rich continued to state that nothing is changing at the location except that Ms. DeCarlo is now operating the shirt portion of the business and a Mr. Grasso will continue to do the signs. He then summed up that this is basically a sub-let co-lease. He added that it was once one business and now it's two. The Board attorney clarified that since both leases were with the property owner then it was not a sub-let and that a better description would be that the building was bi-furcated in some manner and that they both were direct tenants of the property owner. The space has no physical separation. It was asked what would happen if the other person defaulted on their lease. The applicant did not know.

The Board confirmed that at this time that the signage would stay the same and no additional signage would be granted. There would also be no building changes and no outside storage and display allowed.

**A MOTION** was made by Mr. Disabunjong, seconded by Mrs. Smith to approve the request for waiver of site plan as testified. Upon roll call the following votes were cast: AYES: Smith, Disabunjong, Morgan, Walter, Brothman, Pearson, Conrads. NAYS: None. Motion carried.

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**Applicant:** Stephen & Pauline Doherty  
**Application:** Variance to construct one story Great Room to right side of existing single family home  
**Property:** 5 Brandon Court, Andover NJ 07821  
**Zone:**R1 block 24 lot 31.07

The applicants appeared before the Board and testified that they are the owners of the property located at 5 Brandon Court and it was confirmed that proper notification was provided for the hearing of the application. Mr. Doherty explained that the addition would be a one story great room with a basement. He was considering this addition as their family is getting bigger and they needed more room. The basement area would be attached to the existing basement and would not be finished. The total square footage is 625 sq. ft. The applicant continued to testify that while a variance is necessary for the side yard setback the addition will be much more than 35 feet from the closest neighbor's home.

The discussion was opened to the public and closed with no comment. The Board Attorney confirmed that the side yard setback would require a variance and the applicant verified that the provided location of the addition is the only logistical solution due to some unique features of the existing home.

**A MOTION** was made by Mr. Pearson, seconded by Mr. Disabunjong to grant relief for the request for a variance. Upon roll call the following votes were cast: AYES: Smith, Disabunjong, Morgan, Walter, Brothman, Pearson, Conrads. NAYS: None. Motion carried.

**A MOTION** was made by Mrs. Smith, seconded by Mayor Morgan to approve the application for site plan as submitted and testified. Upon roll call the following votes were cast: AYES: Smith, Disabunjong, Morgan, Walter, Brothman, Pearson, Conrads. NAYS: None. Motion carried.

**CORRESPONDENCE:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** A letter of resignation from Chairman Tom Howard was presented to the Board

**A MOTION** was made by Mr. Pearson, seconded by Mayor Morgan to accept Tom Howard's resignation with regret and gratitude for his 25+ years of service. Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. Motion carried.

**RESOLUTIONS:**

**A MOTION** was made by Mayor Morgan, seconded by Mr. Disabunjong to approve a resolution to memorialize the application of Thomas & Christian Barnard d/b/a The Rampant Bear, block 21 lot 3 Zone C1, 127 Main Street, request for waiver of site plan from the meeting held on June 15, 2015. Upon roll call the following votes were cast: AYES: Morgan, Smith, Disabunjong, Brothman. NAYS: None. ABSTAIN: Pearson, Walter, Conrads. Motion carried.

**A MOTION** was made by Mayor Morgan, seconded by Mr. Pearson to approve a resolution to memorialize the application of Carol Berkowicz, for a thrift store / antique store business at block 11 lot 3.01 Zone C1, 2 Lenape Road, request for waiver of site plan from the meeting held on June 15, 2015. There was a brief discussion that Mrs. Berkowicz had already vacated the premises as she detected mold in the building. Upon roll call the following votes were cast: AYES: Morgan, Smith, Disabunjong, Brothman. NAYS: None. ABSTAIN: Pearson, Walter, Conrads. Motion carried.

**ANY OTHER BUSINESS:** The Board Secretary reported that the following members should complete the required Planning Board class in 2016: Conrads, Disabunjong and Smith. Information on those classes will be provided to them.

**A MOTION** was made by Mayor Morgan, seconded by Mr. Pearson to nominate Jim Walter as Planning Board Chairman. *Mr. Walter would be vacating the position of vice president.* Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. ABSTAIN: Walter. Motion carried.

*As there is now a vacancy for Vice Chairman the following motion was made:*

**A MOTION** was made by Mr. Pearson, seconded by Mr. Disabunjong to nominate Judy Smith as Planning Board Vice Chairman. Upon roll call the following votes were cast: AYES: All in favor. NAYS: None. ABSTAIN: Smith. Motion carried.

**ADJOURN:**

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

A handwritten signature in black ink, appearing to read 'Beth Brothman', with a long, sweeping flourish extending to the right.

Beth Brothman  
Board Secretary