

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 19, 2016 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Messrs. Walter, Pearson, Morgan, Mr. Bourke (7:19 p.m.), Mrs. Smith and Mrs. Brothman

ABSENT: Mr. Conrads, (vacancy)

ALSO PRESENT: U. 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.

CORRESPONDENCE:

The Newton Township Master Plan Re-Examination of Revised Housing Element & Fair Share Plan was presented and filed as necessary.

ENGINEER REPORTS: None.

*****Ms. Bourke entered into attendance. 7:19 *****

FORMAL APPLICATIONS:

APPLICATION #: WSP – 01 - 2016
TYPE: Waiver of Site Plan
APPLICANT: Billy Khan
BUSINESS NAME: Basoya Fuel Inc.
ADDRESS: 128 Main Street, Andover NJ 07821
LOCATION BY TAX MAP 126 Main Street, Andover, NJ 07821
BLOCK/LOT/ZONE: Block 11 Lot 7.02 Zone: C1
EXISTING USE: Gas Station / Convenience Store (Vacant)
PROPOSED USE: Gas Station / Convenience Store

Mr. Billy Khan, an Officer/Board Member of Basoya Fuel Inc., appeared in support of Basoya’s application for a site plan waiver. Mr. Khan was sworn and testified as living at 231 Bender Avenue, Roselle Park, NJ 07204 and with his attorney Joseph Marinello reported the following. The applicant proposes to re-open the old Getty station as a gas station and convenience store, consistent with prior use of the property. Mr. Khan testified that Basoya operates over 100 gas stations in Northern New Jersey, including some local stations, and this gas station in Andover Borough is an opportunity to improve existing conditions. Basoya signed a ten (10) year lease for the property, which is now unoccupied. The canopy pumps and building will remain the same as they currently are. A new sign will be constructed with digital pricing. The sign has already been approved subject to a sign permit application. The applicant will comply with all sign ordinance requirements.

The applicant submitted one exhibit, Exhibit A-1, consisting of four (4) pages of color photos of the property taken by Mr. Khan. Mr. Khan testified that the hours of operation shall be 5:00 a.m. to 10:00 p.m., seven (7) days a week. Further, all gas delivery shall also occur during the hours of 5:00 a.m. to 10:00 p.m. Two (2) employees are expected to be on site at all times. The applicant also proposes to improve the existing lighting on site with LED lights. No diesel shall be sold on the property. There will be no outdoor display or sales other than limited propane sales. The applicant shall keep the dumpster in the gate as it now exists on the property. The applicant shall obtain all necessary permits, including food handling licenses from the Borough and the County, and Health Department approval.

Additionally, the Board had concerns regarding tobacco paraphernalia sales on the property. The applicant agreed to limit its sales of tobacco and tobacco-related products to cigarettes, cigars, and limited items. It was agreed to by the applicant that the tobacco sales shall be ancillary and constitute only a minor portion of the convenience store use. There shall be no display or sale of pipes or items used for the inhalation of tobacco or other items. The applicant testified that the convenience store will sell only pre-packaged items and there will be no cooking on site.

Finally, the applicant agreed to submit fuel tank test results on the property to the Borough.

A MOTION was made by Mrs. Brothman, seconded by Mr. Pearson to approve a resolution in the matter of Basoya Fuel Inc. Upon roll call the following votes were cast: AYES: Bourke, Smith, Brothman, Walter, Pearson, Morgan. NAYS: None. Motion carried.

OLD BUSINESS: Mayor Morgan discussed the Master Plan review and the necessity to meet monthly to review a plan that fundamentally will not change that much.

A MOTION was made by Ms. Bourke, seconded by Mrs. Brothman to adopt the following Resolution. Upon roll call the following vote was cast: AYES: All in favor. NAYS: None. Motion carried:

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss: contracts

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Andover will go into closed session: 8:01 p.m.

A MOTION was made by Mrs. Brothman, seconded by Ms. Bourke to resume the public portion of the meeting. Upon roll call the following vote was cast: AYES: All in favor. NAYS: None. Motion carried: 8:04 p.m.

There was some discussion regarding the need to establish a subcommittee to help review the Master Plan with the municipal planner. The board concurred and determined that a committee is the best way to get this process done efficiently.

A MOTION was made by Mayor Morgan, seconded by Mr. Pearson to create a subcommittee for the purpose of reviewing the Master Plan drafts with the Municipal Planner and providing the necessary information on file to expedite the process in the most efficient manner. The members of the subcommittee would consist of Mayor Morgan, Mr. Pearson and Mrs. Brothman. Upon roll call the following votes were cast: AYES: Morgan, Pearson, Bourke, Brothman, Smith, Walter. NAYS: None. Motion carried.

BUSINESS: None.

AUDIENCE PARTICIPATION: None.

RESOLUTIONS: None.

ADJOURN: A MOTION was made by Mr. Pearson, seconded by Mrs. Smith to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.

Beth Brothman
Board Secretary