

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, JANUARY 23, 2017 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Messrs. Walter, Conrads, Morgan, Mrs. Brothman, Mrs. Smith, (vacancies)

ABSENT: Ms. Bourke and Mr. Pearson

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.

The oath of office was administered to Beth Brothman, Class II

A MOTION was made by Mrs. Smith, seconded by Mr. Conrads to elect Mr. Walter as Chairman of the Board. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mayor Morgan, seconded by Mrs. Brothman to elect Mr. Conrads as Vice Chairman. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mrs. Smith, seconded by Mr. Conrads to name the N.J. Herald and N.J. Sunday Herald as official newspaper. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mayor Morgan, seconded by Mrs. Smith that the regular meetings of the Board will be the 1st and 3rd Monday of each month. In the event the 3rd Monday is a holiday Monday the meeting will be the 4th Monday. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Conrads, seconded by Mrs. Smith to appoint Beth Brothman as Board Secretary. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Conrads. NAYS: None. ABSTAIN: Brothman. Motion carried.

Professional Appointments:

A MOTION was made by Mr. Conrads, seconded by Mrs. Smith to appoint Ursula Leo of Laddey, Clark & Ryan LLP as Board Attorney. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Conrads, seconded by Mrs. Smith to appoint Cory Stoner of H.E. Pellow & Associates as Board Engineer. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Conrads, seconded by Mrs. Smith to appoint Jessica Caldwell of Caldwell & Associates as Board Planner. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

REGULAR MEETING:

MINUTES:

A MOTION was made by Mrs. Smith, seconded by Mayor Morgan to approve the minutes of the meeting held on November 21, 2016. Upon roll call the following votes were cast:

AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None.

Motion carried.

FORMAL APPLICATIONS:

APPLICATION #:	WSP – 01 - 2017
TYPE:	Waiver of Site Plan
APPLICANT:	Dharmesh Desai
BUSINESS NAME:	N/A
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:	Grocery Store & Deli (Vacant)
PROPOSED USE:	Retail

Mr. Matesh Desai and Mr. Dharam Desai, owners of Dhram Desai appeared, in support of Dhram Desai's application for a site plan waiver. Also present was counsel for the applicant, Joseph Mariniello, Esq.

Mr. Dhram Desai discusses his intention to open the convenience store on the property where the old Getty station was located, consistent with a prior use of the property. The applicants attorney stated that his client has a 5 year lease with another 5 year option with Basoya Fuel, LLC and that Basoya's application for site plan waiver proposed to re-open the gas station and convenience store but that at the time of the September 19, 2016 public hearing, it was unclear who would be operating the convenience store. Mr. Mariniello advised that this issue had been resolved and that the applicant would be operating the convenience store pursuant to a lease with Basoya Fuel, LLC. and that the only item not discussed in that application was the operation of a delicatessen counter within the convenience store, serving sandwiches. There will be no hot food prepared or sold at the property, only cold sandwiches. The applicant stated that this application was otherwise exactly the same as the prior application for site plan waiver presented by Basoya Fuel, LLC. The applicant stated that the hours of operation would be 5:00 am to 10:00 pm, as per the prior resolution. The applicant stated that there would be two employees at the convenience store, Mr. Matesh Desai and Mr. Dharam Desai, who were present for the hearing. The applicant stated that there would not be any tables for onsite dining. The applicant testified that it has begun the process of approval with the County Board of Health for the delicatessen counter.

The applicant submitted one exhibit, Exhibit A-1, consisting of a one page, informal, hand-drawn layout of the proposed interior of the convenience store. The layout shows two points of ingress/egress, three grocery aisles, a table with self-serve coffee, a row of coolers for non-alcoholic beverages, a “deli counter,” and a “main counter.”

A MOTION was made by Mrs. Smith, seconded by Mr. Conrads to approve resolution to approve the application filed by Dharmesh Desai, LLC. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

RESOLUTIONS:

A MOTION was made by Mayor Morgan, seconded by Mrs. Smith to memorialize the Resolution for Renee and Lauren Esposito, The Open Box Shop, Block 24 Lot 47 decided on November 21, 2016. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Conrads, seconded by Mayor Morgan to approve the Attorney Annual Update of NJDA 40:55D-70.1 for 2015 Recommendations. Upon roll call the following votes were cast: AYES: Smith, Morgan, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

ANY OTHER BUSINESS:

Jessica Caldwell, Borough Planner, presented the draft plan for the final stages of review for the Master Plan reexamination process.

AUDIENCE PARTICIPATION: None.

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

Beth Brothman
Board Secretary