

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 28, 2019 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

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

ABSENT: Mrs. Daschko and (vacancies)

ALSO PRESENT: Johnathan N. Frodella, 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 and Peter Pearson, Class III

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

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

A MOTION was made by Mayor Morgan, 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, Pearson, Walter, Brothman, Conrads. NAYS: None. ABSTAIN: None. Motion carried.

A MOTION was made by Mr. Pearson, seconded by Mr. Conrads 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, Pearson, 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, Pearson, Walter, Conrads. NAYS: None. ABSTAIN: Mrs. Brothman. Motion carried.

Professional Appointments:

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

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

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

REGULAR MEETING:

MINUTES:

A MOTION was made by Mayor Morgan, seconded by Mrs. Smith to approve the minutes of the meeting held on August 20, 2018. Upon roll call the following votes were cast: AYES: Smith, Morgan, Pearson, Walter, Brothman. NAYS: None. ABSTAIN: Conrads. Motion carried.

AUDIENCE PARTICIPATION: None.

APPLICATION #: PZ – WSP – Daniel Weldon – 01-2019
TYPE: Waiver of Site Plan
APPLICANT: Daniel Weldon
BUSINESS NAME: SLABS
ADDRESS: 139 Main Street, Andover NJ 07821
LOCATION BY TAX MAP: 139 Main Street, Andover NJ 07821
BLOCK/LOT/ZONE: Block 23 Lot 1 Zone: C1
PREVIOUS USE: 44 years selling slabs
PROPOSED USE: Display slabs
REPORTS SUBMITTED: See resolution dated 4/15/13 & Property Maintenance Worksheet.

Mr. Daniel Weldon appeared before the board and was sworn in. Mr. Weldon explained to the board that he is seeking approval to display a total of 6 wood slabs along the front railing of his property located at 139 Main Street. These boards would be displayed vertically and three on each side. During the testimony Mr. Weldon reported that the wood slabs are approximately 11 feet in length and could weigh up to 200 pounds each. There was some discussion regarding the method that they would be secured to the railing ranging from rope to a chain.

As Mrs. Brothman expressed a concern for the safety of any pedestrian along the sidewalk, Mr. Weldon contended that he maintains the railing better than anyone along Main Street. There was a continued discussion over the potential for harm that could be caused if a board were to become loose and fall on someone. Mr. Weldon agreed that the boards were heavy enough to cause harm if they were to fall on someone. Additionally, the wood slabs would be along the sidewalk permanently until sold. It was explained to Mr. Weldon that while he may have space along that area, the board could not grant approval for a permanent installation on the sidewalk. Furthermore, the approval he is seeking would require a site plan, to which Mr. Weldon expressed his unwillingness to submit one. Mr. David Martin, who works for Mr. Weldon on occasion, spoke to the board on Mr. Weldon's behalf. He stated that a vertical display is one that catches the eye of people driving by and increases the sales for Mr. Weldon. Mr. Martin is also the person who is able to move this heavy wood slabs as Mr. Weldon reported his unable to carry them himself as they are too heavy for him.

There was some discussion that the intent of the railing was not engineered to hold this kind of weight and the board would entertain another method of display on the porch. For part of the discussion, Mr. Weldon was not interested in any other kind of display except that which he has presented with six wood slabs secured vertically along the sidewalk attached to the railing. It was at this time that Mr. Conrads suggested that perhaps there was a way for Mr. Weldon to achieve the same kind of attraction to a display by securing the boards vertically along the front the building on the porch. He suggested, along with Mayor Morgan, to consider that alternative because the method he presenting now is not one that the board could approve without a site plan.

Ideas of how to secure the boards in a safe manner were explored, but it determined eventually that Mr. Weldon should take some time to consider how it could be done and to submit a drawing of how these boards could be displayed vertically on the porch in a way that would not create a hazard to anyone on the porch should they become loose. In addition, it was determined that should Mr. Weldon want that kind of display some kind of assurance from his insurance company that this display would be covered should be submitted. Mr. Weldon agreed that he would like to consider that option and that he would like to table this discussion until the regular meeting to have the time to prepare a drawing to showing this alternative to his originally proposed display.

A MOTION was made by Mr. Conrads, seconded by Mrs. Smith to table the hearing of this application until the next regular meeting to allow Mr. Weldon the opportunity to return with the requested drawing and insurance coverage. Upon roll call the following votes were cast: AYES: Smith, Pearson, Conrads, Walter, Brothman, Morgan. NAYS: None. ABSTAIN: None. Motion carried.

OLD BUSINESS: None.

NEW BUSINESS:

A revised plot Plan for application #02-2018 - Moynihan was submitted as per the requirement of the approved resolution. Copies have been forwarded to the Engineer.

Mayor Morgan addressed the board to consider an amendment to the ordinance pertaining to chickens on residential properties. After a brief discussion it was thought that the proposed changes should be sent to the Planning Board attorney, Tom Prol, to review and provide a report at our next regular meeting in February.

A MOTION was made by Mayor Morgan, seconded by Mr. Conrads to approve the Planning Board Attorney to review the proposed amendment and present an ordinance reflecting the intention of the amendment at the next regular meeting. Upon roll call the following votes were cast: AYES: Smith, Pearson, Conrads, Walter, Brothman, Morgan. NAYS: None. ABSTAIN: None. Motion carried.

RESOLUTIONS:

A MOTION was made by Mr. Conrads, seconded by Mayor Morgan to memorialize the Resolution in the matter of PZ-WSP-Andover Hunt & Fish - 05-2018 incomplete submitted application. Upon roll call the following votes were cast: AYES: Smith, Pearson, Conrads, Walter, Brothman, Morgan. 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: None.

AUDIENCE PARTICIPATION: None.

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

Beth Brothman
Board Secretary