

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 19, 2023 AT THE BOROUGH HALL BEGINNING AT 7:00 P.M.

PRESENT: Wojcik, Smith, Morgan, Walter, Brothman, Pearson, DiRenzo , Daschko (7:25 p.m.), Breitz and King

ABSENT: None

ALSO, PRESENT: Jonathan Frodella, Board Attorney
Cory Stoner, Board Engineer

OATH of OFFICE:

Mr. David King, Class IV member was sworn in by the Board Attorney

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

EXECUTIVE SESSION:

A MOTION was made by Mayor Morgan, seconded by Mrs. Wojcik to adopt the following Resolution. Upon roll call the following votes were cast: AYES: Wojcik, Smith, Morgan, Walter, Brothman, Pearson, Breitz, DiRenzo and King NAYS: None. ABSTAIN: 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 Planning Board wishes to discuss: Potential Litigation

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Andover will go into closed session: 7:03 p.m.

A MOTION was made by Mayor Morgan, seconded by Mr. Smith to adopt the following Resolution. Upon roll call the following votes were cast: AYES: Wojcik, Smith, Morgan, Walter, Brothman, Pearson, Breitz, DiRenzo and King NAYS: None. ABSTAIN: None. Motion carried. 7:19 p.m.

MINUTES:

Minutes of May were tabled:

A MOTION was made by Mr. Smith, seconded by Mr. Pearson to table the minutes of the meeting held on May 15, 2023. Upon roll call the following votes were cast: AYES: Wojcik, Smith, Morgan, Walter, Brothman, Pearson, Breitz, DiRenzo and King NAYS: None. ABSTAIN: None. Motion carried.

AUDIENCE PARTICIPATION: None.

CORRESPONDENCE:

HPA Memo dated 06/08/23 re: Engineer Review – Completeness – Site Plan Application for Andover Therapeutics LLC, HPA 23-229

***Mayor John Morgan and Councilman Robert Smith recused themselves as the application consists of D use variance.*

***Mr. King submitted certification that he has listened to the audio hearing from the meeting held on 4/17/23 and 05/15/23*

***Mrs. Daschko entered the hearing 7:25 p.m.*

***Mrs. Daschko submitted certification that she has listened to the audio hearing from the meeting held on 05/15/23.*

FORMAL APPLICATIONS:

APPLICATION #:	PZ-06-2022 – North Jersey Cannabis Club – Site Plan
APPLICANT:	North Jersey Cannabis Club LLC
PROPERTY OWNER:	Same
BUSINESS NAME:	N/A
ADDRESS:	118 Main Street, Andover NJ 07821
BLOCK/LOT/ZONE:	Block 11 Lot 10 Zone: C1
PREVIOUS USE:	Vacant retail commercial
PROPOSED USE:	Cannabis Dispensary Class 5

Mr. Williams began this hearing by recognizing that he is in receipt of Board Engineer, Mr. Stoner’s correspondence of June 16, 2023. He reiterated the state licensing operation requirements. Mr. Joseph Golden was on the phone through this hearing. Mr. Williams commented that he wanted to add to the discussion in the testimony and application that it is the intent of Andover Borough that “park” is defined to ensure that children are kept separate from the business of cannabis. He stated that this proposed application meets those requirements as referenced in CREMA. Having concluded the testimony last month, Mr. Williams adjourned his presentation.

Public Comment:

Katrina Kunkel addressed the board along with local business owner, Ariel Hlover and her daughter Rafaella “Raffie”. She presented a petition to the board addressed to the Mayor and Council of the Borough of Andover. She read from the paragraph of the petition with was in support of the North Jersey Cannabis project. The exhibit was marked P-1. She indicated that she created the document and circulated it to local business owners to sign with a total of thirteen signatures. She spoke on the emotional toll that this undertaking has taken on her family. It was noted that the petition is addressed to the Mayor and Council, but this is not that Board. She understood that issue and spoke upon the family connection she had made to the friendly business owners and getting to know everyone in town. This is where they want to have their business and it would be special to them if approved.

Mr. Stoner mentioned that there a few variances to which Mr. Williams summarized would be D3 for front yard setback, condition use variance 134.64.4, variance for item #29 for unloading and loading, parking, curbing, and shade tree. Waivers #35 landscape plan, and various check list items.

A MOTION was made by Mrs. Wojcik, seconded by Mr. Breitz to approve the applications. The matter was opened for discussion with no comment made. Upon roll call the following votes were made: AYES: None. NAYS: Wojcik (parking/traffic),

Pearson (parking/traffic), Breitz (parking), Walter (traffic/parking)Brothman (circulation of parking), DiRenzo (traffic/parking), Daschko (parking/traffic), King (traffic/parking).
Motion failed to carry.

APPLICATION #: PZ-01-2023 – Andover Cannabis LLC – Site Plan
APPLICANT: Andover Cannabis LLC
PROPERTY OWNER: Guy & Barbara Puffer
BUSINESS NAME: N/A
ADDRESS: 144/146 Main Street, Andover NJ 07821
BLOCK/LOT/ZONE: Block 22 Lot 1,2&3 Zone: C1
PREVIOUS USE: Vacant retail commercial
PROPOSED USE: Cannabis Dispensary Class 5

F. William LaVigne appeared as principal owner of Andover Cannabis LLC, he is satisfied and has no objections to the report created by Mr. Stoner dated June 16, 2023. He had no further testimony or comments except that he feels this is an excellent location and would comply with all recommendations by the town engineer as deemed appropriate.

Public Comment:

William Haggerty on behalf of Sonopath that is used as an educational facility, commented on Mr. Stoner's report as to the definition of school not pertaining to his client's facility. He commented on the parking for the facility and expressed concern that parking will affect his clients parking. They do not want their facility compromised by the approved use for this location. They do not this this is the right location.

Mr. Stoner provided a summary of approval. D3 use variance not meeting front yard setback requirement, parking has 13 spaces and needs 12, there is a loading area in the back of the building, ADA access was discussed and resolved by architect recommendations for internal and external, the door opening will be changed as per comment last meeting. ADA access will be provided through assistance when needed and will utilize security to maintain the proper protocol, and additional landscaping will be added as per the last meeting, LOI from the NJDOT, updated lighting and set of plans will be provided. Mr. Stoner addressed the distance from the educational facility and his determination that it did not fit the definition of school. Mr. LaVigne agreed to modify the bay windows if more space was needed along the sidewalk.

Mrs. Alison Bartholomew of Gristmill Lane asked of the security of this location and the traffic it will cause. She wanted to know what security will be provided. What would it be like. She is concerned that people will walk through her property. She reiterated she has extreme security and traffic concerns. Mr. LaVigne stated that he would be required by the NJCRC to give contact information. He noted that his son, who would operate this location, will live across the street and be available to address concerns immediately. He stated that the property will be protected and well lit. If there is an incident he will be proactive. He stated that he has approached the Andover Township police to offer assistance / patrolling to offer more security to the area, but has not heard from them.

A MOTION was made by Mr. Pearson, seconded by Mr. Breitz to approve the applications. The matter was opened for discussion. Mrs. Daschko asked for the hours to be reiterated. She was reminded that the applicant asked for seven days a week form 9 a.m. to 9 p.m., but intends Tuesday-Saturday from 10 a.m. to 8 p.m. and Sundays from 1 p.m. to 8 p.m. Upon roll call the following votes were made: AYES: Wojcik, Pearson, Breitz, Brothman, DiRenzo, Daschko, King. NAYS: Walter (traffic/parking).
Motion carried.

There was a two-minute recess

OLD BUSINESS:

Mrs. Brothman provided copy of the NJPO planner for officials to review.

Mr. Smith reported that there is an issue at 31 West High Street with vehicles driving over the curbing. They should be notified not to do that.

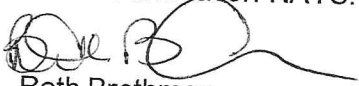
The Mayor reported that there is a tractor portion of a tractor trailer parking on block 24 lot 25 and should be contacted that is not permitted.

NEW BUSINESS: None.

AUDIENCE PARTICIPATION: None.

RESOLUTION: None.

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


Beth Brothman
Board Secretary