



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
The Hillside Barn
146 Lake Iliff Road
Andover, NJ 07860
MINUTES
January 18, 2022
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led the Board in a flag salute.

OPEN PUBLIC MEETINGS ACT NOTICE:

Mr. Messerschmidt read the following into the record:

This is an open public meeting of the Andover Township Land Use Board to be conducted in-person only at the Hillside Barn, located at 146 Lake Iliff Road, Andover, NJ 07860. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda. No new testimony will be taken after 10:30pm. Adequate notice of this meeting has been provided, with an electronic copy posted on the Andover Township website at www.andovertwp.org.

ROLL CALL:

Eric Karr - Excused
Eric Olsen – Present
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Present
CeCe Pattison – Absent
Richard Skewes – Present
Joseph Ordile – Present
Joseph Tolerico – Present
Paul Messerschmidt – Present

Also Present:

Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: January 4, 2022

A motion to approve the minutes of the January 4, 2022 reorganization meeting and regular meeting with the noted corrections was made by Mr. O’Connell and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

HEARINGS:

1.) BHT Properties Group B:151 L:21 A21-2

An application for Preliminary and Final Major Site Plan approval and variances to permit the applicant to demolish all existing structures, regrade the lot and utilize the property for storage of construction vehicles and construction equipment and materials. In addition, the applicant will install a pedestrian walkway, commercial office building and provide all necessary subsurface and surface stormwater facilities and provide other site features. The runway will be maintained and used for access and storage.

Mr. Messerschmidt called Mr. Molica, Esq. on the phone so he could participate in the discussion on the BHT Properties Group application. Mr. Molica joined the Board via telephone.

Mr. Messerschmidt said the Board had received correspondence from the applicant’s attorney advising his one and only witness for this evening was ill and could not attend the meeting. Mr. Messerschmidt said he had a discussion with Mr. Thomas who said he anticipated the engineer’s testimony would have taken up the entire meeting and as a result did not schedule any other witness for this evening. Mr. Thomas requested the Board carry the hearing to February 15, 2022. Mr. Messerschmidt said the letter advised the applicant is granting an extension of time to the end of March 2022. Mr. Messerschmidt said he had a discussion with Mr. Thomas about holding the next few meetings virtually. Mr. Messerschmidt said the Board had received a letter from Ms. Durkin, Attorney for the Objectors, saying she was not in agreement with holding virtual meetings.

Mr. Ordile asked Mr. Molica if he was able to get a list of the witnesses Mr. Thomas is intending to put on the record. Mr. Molica said he did not have the list however after speaking with Mr. Thomas, he plans on testimony from a Planner and a Traffic Engineer. Mr. Ordile asked if the Principal of BHT Properties Group could be asked to testify. Mr. Molica said the Board can

request it however; the applicant does not have the obligation or duty to provide that testimony. Mr. Molica will ask Mr. Thomas.

Mr. Ordile read a statement he had prepared outlining his reasons for considering a motion to dismiss the application without prejudice. Ms. Howell expressed a concern that the applicant was not present to hear Mr. Ordile's comments. Mr. Ordile continued and expressed a concern with the number of times the applicant has requested to carry the hearing and the reasons for the request. Mr. Ordile felt the reasons were not justifiable and the applicant should have a backup plan in case a witness is unable to testify. He felt the Board is wasting time dedicating one meeting a month to this application and then the applicant does not appear.

The Board discussed the possibility of holding all future meetings virtually until the current pandemic situation subsides. The Board Secretary said she was told by the Municipal Clerk of the Township's plans to install equipment to hold hybrid meetings. The Board Secretary did not have details on the equipment or the date of the installation. Mr. Ordile expressed a concern with the applicant having to re-notice. Mr. O'Connell expressed a concern with possible litigation if the hearings are conducted virtually especially since there was no government mandate to do so. Ms. Howell felt there could be an issue with a member of the public giving testimony without being seen on the virtual platform. Mr. Molica said they would be under oath and did not feel this would be a huge concern.

A motion to continue with in-person meetings inclusive of the BHT hearings was made by Mr. O'Connell and seconded by Mr. Skewes. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – no. Motion carried.

A motion to carry the BHT Properties Group hearing to February 15, 2022 at 7:30pm to be held in person at The Hillside Barn was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – no, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

Mr. Messerschmidt led the Board in a discussion on the hiring of environment experts to provide professional opinion and recommendations to the Land Use Board in the matter of the BHT Properties Group application. Mr. Messerschmidt said Mr. Stoner and Mr. Morris had provided the Board with names of professionals for environmental purposes and hydrogeology. Mr. Stoner went over the proposals and services of the professionals he had submitted to the Board. He went over his recommendations to the Board. Mr. Ordile asked what the environmental and hydrogeologist experts would be addressing. Mr. Stoner said the environmental expert will address anything in the Environmental Impact Statement and the Hydrogeologist will address the concerns with the groundwater and how a spill would percolate

down into the groundwater. Mr. Stoner will address the traffic issues. A discussion ensued on who would be drafting the information and how it would be presented to the Board.

A motion to hire H2M to handle the hydrogeology and Equity Environmental to handle the ecological issues was made by Mr. O'Connell and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

Mr. Messerschmidt said Mr. Stoner would notify the firms and be the point person in this matter.

Mr. Molica left the meeting and ended the phone call.

ORDINANCES: None.

OLD BUSINESS:

Ms. Howell said the issue of the certificate of non-conformity for Mr. Grenewicz was raised at the last meeting and asked if that had been handled. The Board Secretary said the Zoning Officer has since resigned and there was nobody to issue the certificate. Mr. Stoner said his office will be handling the zoning until the Township hires a permanent Zoning Officer and said he will try to address the matter.

The Board Secretary said the Board, at a previous meeting, had discussed the need for a traffic study requirement to be added to the site plan checklist. The Board agreed to look at all of the checklists to see if anything else needs to be added to the checklists in addition to the traffic study.

NEW BUSINESS:

Mr. O'Connell asked if the Board should require new construction projects to have solar or wind power as the source of electricity generation. Mr. Stoner said there are State regulations requiring electric charging stations for new commercial development. Mr. Stoner said he would discuss this with the Board Attorney. There was a discussion on incorporating more "green" initiatives to the ordinances. Mr. Stoner suggested the proposed initiatives be incorporated into the Master Plan.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr was not present to give a report.

Environmental Commission –

Mr. Messerschmidt advised Ms. Howell would no longer be the liaison to the Environmental Commission. Mr. Olsen reported there is still some work that needs to be done on the Open Space Plan. He said they are waiting to see if they would be getting grant funds from Sussex

County for trail improvements. He said there is a subcommittee looking at the environmental impact statement ordinance requirement. He said they would be updating the signs throughout the parks in town. Mr. Olsen agreed to be the liaison for the Environmental Commission.

Sustainable Andover – Eric Olsen

Mr. Olsen said they have not met and had nothing to report.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt said the subcommittee has started working on the definitions for the permitted uses, which will then be sent to the Board for comments.

Redevelopment Subcommittee – Joseph Ordile

Mr. Ordile said they are waiting for an updated draft of the Redevelopment Study.

Master Plan Subcommittee – Joseph Ordile

Mr. Ordile said the RFP was sent out and posted on the Township website. He said only three firms have expressed an interest in submitting a proposal.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group, LLP	Ballantine Woods, LLC	\$128.00	Applicant’s Escrow

A motion to pay the voucher was made by Mr. Tolerico and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Suzanne Howell – abstain, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

CORRESPONDENCE:

- 1.) From: Mr. Roger Thomas, Esq.
Date: January 18, 2022
Re: BHT Properties Group, B:151, L: 21 – Request to carry and extending time to act

- 2.) From Mr. Roger Thomas, Esq.
Date: January 18, 2022
Re: BHT Properties Group, B:151, L: 21- Consent to virtual hearings

- 3.) From: Ms. Elizabeth M. Durkin, Esq.
Date: January 18, 2022
Re: BHT Properties Group, B: 151, L: 21 – Not in agreement with virtual hearings

PUBLIC PORTION:

Mr. Messerschmidt opened the meeting to the public. He read the following into the record: If a member of the public has a question or comment, please raise your hand and wait to be recognized by the Chairperson to speak. When called, please come to the microphone, state your full name and address and spell your last name for the record. Please refrain from asking questions or making comments about any pending application before the Board as the applicant may not be present for cross examination. The Chairperson has the right to limit the amount of time a person from the public has to ask questions and make comments so all members of the public may have a chance to speak.

Mr. Neil Hubbard of 12 Caitlin Court, Andover asked why the Board did not consider holding a hybrid meeting in its earlier discussion. Mr. Messerschmidt said the Board has tried conducting hybrid meetings in the past and they were unsuccessful.

Mr. Albert Bills of 15 Springdale Gardens Road, Andover asked if the town would consider limiting the amount of sea containers allowed on a property. Mr. Stoner said some towns do have ordinances restricting the number and size of such containers. Mr. Messerschmidt asked Mr. Bills to take that request to the Township Committee.

Mr. Messerschmidt closed the meeting to the public.

UPCOMING MEETINGS: February 1, 2022, February 15, 2022

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Mr. O'Connell. It was seconded by Mr. Tolerico and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator