



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Municipal Building  
134 Newton-Sparta Road  
Andover, NJ 07860  
MINUTES  
February 1, 2022  
7:30 p.m.

**CALL TO ORDER:**

Mr. Messerschmidt called the meeting to order at 7:30 pm.

**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 Municipal Building, located at 134 Newton-Sparta 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](http://www.andovertwp.org).

**ROLL CALL:**

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

**Also Present:**

Richard Briigliodoro, Esq.  
Cory Stoner, PE

Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** January 18, 2022

A motion to approve the minutes of the January 18, 2022 meeting with the noted corrections was made by Mr. O'Connell and seconded by Mr. Tolerico. 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.

**COMPLETENESS REVIEWS:** None.

**HEARINGS:**

1.) Larick, John B: 151, L: 19 A21-6

*The applicant is seeking use variance relief to allow a business that transports motor vehicles for individuals nationwide.*

Mr. Brigliadoro explained the application was bifurcated so the Board would hear the use variance application and if approved the applicant would return to the Board in the future with a site plan application. He said the application is for a D-1 use variance and the traditional site plan issues are not being addressed at this hearing.

Mr. Michael Selvaggi, Esq. attorney for the applicant agreed with Mr. Brigliadoro's remarks. He said the property is 8.89 acres in the Airport Zone. He said they intend to improve the existing property. Mr. Selvaggi explained the applicant is Larick Towing however; the proposed use is far from a traditional towing operation. He said it is a high-end transportation company. He explained the operation transports owner's cars to Florida, transports cars won in auctions and transport cars for dealerships.

Due to the D-1 variance request, Mr. Karr and Mr. Carafello stepped down from the Board.

Mr. Selvaggi felt the use is appropriate for the zone and the positive criteria is that the site is suited for this use.

Mr. Selvaggi advised the Board that one of the notices to surrounding property owners was sent to the wrong address. He said they were able to get in touch with the property owner and the property owner submitted a certification saying he did receive the notice and was waiving the 10-day notice requirement. Mr. Selvaggi felt the notice requirement has been satisfied. Mr. Brigliadoro said there is case law that permits the Board to proceed with the hearing even though the property owner did not receive the 10-day notice because the property owner did get written notice and chose to waive the 10-day notice requirement. Mr. Brigliadoro marked the certification as exhibit B-1.

Mr. Briadoro swore in Mr. John Larick and Mrs. Judy Larick. Mr. Larick said he is the President of Larick Towing and has been in business since 1987. Mr. Larick said the business started as a towing business however; they have stopped the 24 hour 7 days a week service. He explained the services his company provides and said they transport cars for “snowbirds”, and transport vehicles for auctions and dealerships.

Mr. Larick explained how the trucks don't return to the yard on a regular basis as they are out picking up and delivering vehicles. He said the business has grown and they need a bigger place to park his trucks when they are not delivering. He said his customers are private vehicle owners and corporate owners.

Mr. Larick said they have 10 car carriers and 3 flatbed type trucks and his business is nationwide. He explained normally the trucks may come back to the yard for a 36-hour rest period. He said some customers drop their cars at the yard and some have their cars picked up at their home and a customer's car could be onsite 2-3 days at the most.

Mr. Larick said they transport vehicles to Port Newark where the dealers keep their cars and the flatbeds are for local pick up and delivery. He explained dealer swaps to the Board. He said a few customers would come to the site to drop their car off.

Mr. Larick said his operating hours are 9-6 Monday through Friday and sometimes a half day on Saturday. Currently he has his office in Denville and his yard in Kenvil and has enough room for 4 car carriers and 3 flatbeds. He explained the car carriers are gone a week at a time and the drivers live throughout the country and the drivers usually take their trucks home. He said they have 13 drivers and 5 or 6 people in the office. Mr. Larick said he would like to have 28 spaces to store customer cars which would be fenced in. He said they only do minor maintenance such as change lightbulbs; other than that, the vehicles are sent to local dealers for maintenance. There would be no repairs on cars; they may just wash them if they are dirty. They would have a full camera and security system and are proposing lighting for security. There would be no gassing of vehicles and no washing of trucks on site as they have accounts with truck wash facilities and the trucks are washed while on the road. Mr. Larick said they are a N.J.D.O.T. licensed carrier and all rules and regulations for truck maintenance are followed.

Mr. Stoner asked how many trucks would be parked at one time. Mr. Larick said 3 – 4 could be on site at one time. Mrs. Larick said a truck is not parked for an extended period of time. She explained how the trucks come in load up and leave.

Mr. Messerschmidt asked if the drivers are employed by Larick Towing to which Mr. Larick said yes. Mr. Messerschmidt asked if they hire owner-operators to which Mr. Larick said no. Mr. Messerschmidt asked if they transport salvage vehicles or mobile equipment to which Mr. Larick said no. Mr. Messerschmidt asked if Larick Towing allows owners of tractors to pull their

trailers to which Mr. Larick said no. Mr. Messerschmidt asked if they employ mechanics. Mr. Larick said they have a part time mechanic to do minor repairs however; he does not do brakes, oil changes or body work.

Mr. Ordile asked if the Kenvil operation would continue to operate. Mr. Larick explained the operation in Kenvil and said it is just a 3-year lease and not a suitable location. Mr. Ordile asked about the number of parking spaces for the trucks. Mrs. Larick explained the truck parking spaces and said there could be eight trucks on site before a truck show. She also said they would like to expand the business. Mr. Selvaggi said it is best to show the space to be able to park all of the trucks on site. Mr. Ordile asked about the showers on the architectural plans. Mr. Larick said the showers are for the drivers if they want to shower during the summer months before they leave again and said there are no sleeping quarters on site. Mr. Ordile asked if the trucks would ever come in after 6pm to unload and reload. Mr. Larick said if they came after 6pm they would park the truck and unload the following morning; the driver would go to a hotel for the night. Mrs. Larick said they have a work vehicle to get the driver to the hotel. Mr. Ordile asked if the business is seasonal. Mr. Larick said the "snowbird" deliveries are seasonal but they fill in the summer months with dealership transport and they have the NYPD contract to deliver cars to NYC. Mr. Ordile asked about the number of truck trips in and out of the site. Mr. Larick said about 5 trips per day and said they picked the Andover location because of its proximity to Route 206. Mr. Ordile asked if a condition of approval would be that all trucks enter and exit off of Route 206 and not Stickles Pond Road to which Mr. Larick said yes. Mr. Ordile asked if a condition of approval would be that the trucks only enter and exit out of the southbound driveway entrance to which Mr. Larick said yes.

Mr. Messerschmidt asked if during the ten years Larick Towing was in Rockaway, were they ever cited for a zoning violation to which Mr. Larick said no.

Mr. Olsen asked if they ever received noise complaints to which Mr. Larick said no. Mr. Olsen asked if the customers cars leave the site one by one. Mr. Larick said they could when the cars are coming northbound. Mrs. Larick explained the truck and car traffic in and out of the site.

Mr. O'Connell asked about the garage bays shown on the architectural plans. Mr. Larick said they are to store their show trucks, flatbeds and high-end customers cars.

Mr. Tolerico asked about the fence height and lighting. Mr. Larick said they would follow the ordinance requirements.

Mr. Messerschmidt opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

Mr. Briadoro swore in Mr. Daniel Davies. Mr. Davies gave his qualifications which were accepted by the Board. Mr. Davies said he was presenting a preliminary schematic site layout plan to give the Board an idea of the operation. He said it was not a technical submission. He referenced the three sheets that were submitted with the application. Mr. Davies explained the plans to the Board. He said they are presenting a clean application without any bulk variances and they wanted to display that in a site layout plan. He explained the existing conditions plan and said the property was formally known as Springdale Auction Market and describe the property. Mr. Davies said there is a dilapidated building on the site with two access points, and an accessory building in the middle of the lot. He said the present use of the property is a truck parking lot. He said there are wetlands and steep slopes on the property and about half of the property is disturbed. Mr. Davies said the property has a septic and functioning well. Mr. Davies explained sheet three which was a color architectural of the proposed building. He said the proposed building would be in the center of the lot and that would help screen the building and their intent is to maintain the access on the westerly side. He explained the traffic flow on the site with 35 spaces for customer car parking, the lighting would be pointed towards the building. He said they are proposing to revegetate the wetland buffer and make the property presentable. He said they are not fencing the entire property but would add screening for the residential neighbors. He said the septic needs to be updated, the lighting will be added for security, Stormwater measures will be put in place and they could accommodate the request for only one access point in and out of the property. He said they are proposing a freestanding sign at the access point so people would know where to turn into the property. Mr. Davies said the property to the east is a trucking operation that brings in shipping containers for storage.

Mr. Messerschmidt opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

The Board took a five-minute break.

Mr. Briadoro swore in Mr. Ray O'Brien, architect for the project. Mr. O'Brien gave his qualifications, which were accepted by the Board.

Mr. O'Brien went over the architectural drawing which was submitted with the application. He explained the truck bays to the Board. He said he tried to down play the elevation of the building and explained the proposed building would have six cubicles, restrooms, truck bays, showers and restrooms for the drivers and locker rooms. He said the second level would have a breakroom, restrooms, six offices. He explained the side view of the building, the trusses and the overhead doors for the bays. He said they are considering a white or gray building with black trim.

Mr. O'Brien presented a color rendering of the building which was marked and entered as exhibit A-1. He explained what the view would look like from Stickles Pond Road and said the building height is 37.3 feet to the ridge. There was a discussion on the roofline of the proposed building.

Mt. O'Connell asked about the file cabinets to which Mr. O'Brien explained them to the Board.

Mr. Olsen asked what the structure would be made of. Mr. O'Brien said it would be constructed of wood with a scissor truss.

Mr. Messerschmidt opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

Mr. Briadoro swore in Mr. Matthew Flynn, PP. Mr. Flynn gave his qualifications which were accepted by the Board. Mr. Flynn said the project complies with all of the bulk requirements. He said the lot is about 8.9 acres which is oversized for the BA Zone requirements and said there is a substantial amount of frontage along Stickles Pond Rd. He noted the front yard setback is 134 feet as opposed to the required 40 feet and the rear yard setback is 166 feet as opposed to 50 required and said the proposed development locates the development in the center of the property. Mr. Flynn felt the use was complimentary to the neighboring use and said the proposed truck transport use is not specifically permitted in any zone however; it is similar to what is already approved in the zone. He explained the permitted uses in the zone and felt the permitted uses in the zone are more intensive than the proposed use. He said the lot coverage allowed is 15% and they are proposing only 2 %. He went over the positive and negative criteria.

Mr. Stoner asked if Mr. Flynn felt the site could be developed for another use. Mr. Flynn felt the site is suited for the proposed use and they would retain a lot of the open area which, may not be a benefit the town would get with some of the other permitted uses and felt other uses would generate more traffic.

Mr. Ordile asked for clarification on Mr. Flynn's statement about outdoor storage. Mr. Flynn said the ordinance allows for outdoor storage so long as it is not the principal use and ancillary to the principal use. Mr. Ordile felt the outdoor storage was the primary use. Mr. Flynn felt the customer cars storage was an accessory use. Mr. Selvaggi said the office is the primary use.

Mr. Messerschmidt felt the backup beepers on the trucks would have a negative impact on the residential neighbors. Mr. Flynn said the central location of the use on the property mitigates some of that concern. Me. Selvaggi said the other permitted uses for the site would allow vehicles with the backup beepers.

Mr. Messerschmidt opened the meeting to the public. With nobody from the public coming forward, the meeting was closed to the public.

Mr. Olsen asked Mr. Larick if he would accept a condition of no 24-hour towing business to which Mr. Larick agreed. There was a discussion on the proposed conditions. Mrs. Larick said the backup beepers could be turned off. Mr. Messerschmidt suggested a condition of approval be the backup beepers are turned off during certain hours.

A motion to approve the D-1 use variance with the noted conditions 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 – yes. Motion carried.

Mr. Karr and Mrs. Carafello returned to the Board.

**ORDINANCES:** None.

**RESOLUTIONS:**

1.) Report on Variance Applications and Amendment Recommendations

The Board went over the 2021 Annual Report. Mr. Ordile had some questions about the status of some of the items on the list. The Board made some corrections to the proposed report. The Board agreed to table the report until the corrections are made.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee*** – Eric Karr

Mr. Karr said the Township Committee would be holding a budget meeting at which time they will discuss the Land Use budget.

***Environmental Commission*** – Eric Olsen

Mr. Olsen had nothing to report.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen had nothing to report.

***Economic Development Committee*** – John Carafello

Mr. Carafello said there is a developer interested in a flex space building. He said the Township is concerned with the State shutting down Route 206 to repair the tunnel.

***Zoning Map/ Zone Changes Subcommittee*** – Paul Messerschmidt

Mr. Messerschmidt said the Board Secretary started a spreadsheet with the permitted uses that were not defined. She found definitions for the terms and forwarded the document to the other subcommittee members who added to the definitions. The document will soon be ready to present to the Board for discussion. Mr. Stoner said there are items in the ordinance that will need to be addressed. He said he has a list of issues that need to be addressed.

***Redevelopment Subcommittee*** – Joseph Ordile

Mr. Ordile said he sent the final draft of the Redevelopment Plan to the Board Members and requested feedback by February 15<sup>th</sup>. Mr. Ordile briefly went through the document with the Board. Mr. Karr explained the reason for the new Redevelopment Zone. Mr. Stoner asked for larger maps so they can be seen easier.

***Master Plan Subcommittee*** – Joseph Ordile

Mr. Ordile had nothing to report.

**VOUCHERS:** None.

**CORRESPONDENCE:** None.

**PUBLIC PORTION:**

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. Messerschmidt opened the meeting to the public. With no public present, the meeting was closed to the public.

**UPCOMING MEETINGS:** February 15, 2022, March 1, 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 Ms. Howell and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator