



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
The Hillside Barn  
146 Lake Iliff Road  
Andover, NJ 07860  
MINUTES  
February 15, 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 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](http://www.andovertwp.org).

**ROLL CALL:**

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

**Also Present:**

Thomas Molica, Esq.  
Matthew Morris, PP  
Cory Stoner, PE  
Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** February 1, 2022

A motion to approve the minutes of the February 1, 2022 meeting with the noted corrections was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Eric Karr – yes, Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

**RESOLUTIONS:**

1.) Report on Variance Applications and Amendment Recommendations

A motion to approve the Annual Report for 2021 was made by Mr. Ordile and seconded by Mr. O'Connell. Roll Call: Eric Karr – yes, 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.) 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. Roger Thomas, Esq. was present on behalf of the applicant. He said Mr. Christopher Nusser, PE had previously testified earlier in the application process and since then some changes have been made so he will give additional testimony. Mr. Nusser was still under oath.

Mr. Karr stepped down from the dais for this hearing.

Mr. Nusser presented a color map of the site entitled Overall Site Plan, dated November 22, 2021, which was marked and entered as exhibit A-17.

Mr. Thomas handed out a smaller version of exhibits A17-A19 to the Board.

Mr. Nusser explained that exhibit A-17 was an amended version of the overall site plan which had been previously submitted with a date of September 29, 2021. Mr. Nusser went over the changes made to the plan. He explained the areas where various storage would take place. He explained the two yellow areas are container storage areas and the orange area is the material storage bin area. He said the bin area is proposed to be flexible. He explained the second emergency access and said it would remain clear of bins. He said they would not store asphalt

millings on the site. Mr. Nusser explained the purple area on the map is for the equipment storage. He said they have reduced the size of the original area by about a ¼ of what was previously proposed and the reduced area would be reserved for future use. He said the applicant would have to return to the Board for an amended site plan to use that area. Mr. Thomas said they would agree to a condition that the areas reserved for future use would be subject to the applicant returning to the Board for approval of its use.

Mr. Nusser explained how they propose to get material into the containers. He explained the 45-foot clear space between the containers and the maneuverability of the site. He said traffic could go in either direction on the access roads. He explained how the trucks would move throughout the site and how the equipment would be handled on site.

Mr. Nusser explained the five blue areas on the exhibit, which are the stormwater facilities. Mr. Nusser said there are no areas, other than where the equipment would be stored and the parking lot, where any leakage could take place. He explained the inert materials being stored in the containers and said the storage in the bins are made of a natural material. He explained the process if a spill were to occur and the types of leaks that could occur. He explained the spill kit to the Board.

Mr. Nusser presented a black and white version of A-17 with a date of November 22, 2021, which was marked and entered as exhibit A-18.

Mr. Nusser presented a Truck Circulation Plan dated November 22, 2021, which was marked and entered as exhibit A-19. Mr. Nusser explained how the trucks would maneuver throughout the site. He said there is room on the access roads for trucks to pass each other. He said the truck template used is for the WD50 type truck as these would be the types of trucks that would be accessing the site. He said the existing runway would be maintained and used for truck access across the site.

Mr. Nusser said there would be no loose millings stored in the bin areas. He explained that millings are allowed to be reused as long as it is used with D.E.P. guidelines and has a binder and is rolled so it will not migrate into sensitive areas. He said the use of millings on the site would be within the D.E.P. guidelines and would not migrate into the sensitive areas.

Mr. Nusser explained the stormwater controls and the low areas on the site and said the water does not leave the site. He explained the testing that was done. Mr. Nusser said the State is reviewing the application from a stormwater perspective. He said Mr. Stoner had a concern about the ground handling all of the water being put into it. Mr. Nusser said they did tests according to State guidelines in late January of 2022. He said based on his analysis the proposed basins would work due to its size and volume. He explained how an infiltration basin works and said the basin meet the D.E.P. standards.

Mr. Thomas handed out a smaller version of exhibits A20-A22 to the Board.

Mr. Nusser presented a rendered exhibit of the site with the proposed improvements and landscaping entitled BHT Andover Overall Exhibit with a date of February 15, 2022, which was marked and entered as exhibit A-20.

Mr. Nusser presented a rendered exhibit of the eastern side of the site where the aggregate storage area is proposed and the landscape in that area which is entitled BHT Andover East Exhibit with a date of February 15, 2022, which was marked and entered as exhibit A-21.

Mr. Nusser presented a rendered exhibit of the west side of the site with the proposed landscaping, building, material storage and equipment storage areas which was entitled BHT Andover West Exhibit with a date of February 15, 2022 which was marked and entered as exhibit A-22.

Mr. Nusser explained the proposed landscaping to the Board. He said they are proposing a double row of evergreens and native grasses and an eight-foot, chain-link security fence along the sides and rear of the property. The fence along Stickles Pond Road would be an eight-foot solid fence for buffering. The solid fence would be behind the landscape trees. Mr. Nusser said there is existing vegetation around the aggregate storage area which will remain to the extent practical. He explained the existing vegetation which is made up of deciduous trees, shrubs and undergrowth. He said the mature trees are 50 to 60 feet in height and explained the existing vegetation to the Board.

Mr. Nusser explained exhibit A-22 to the Board. He explained the proposed and existing landscaping around the building and said at planting, the evergreens would be 8-10 feet in height, the red cedars would be 4-6 feet in height. He said they are screening the proposed improvements to mitigate the visual impact. Mr. Nusser said the topography of the land would block the view of the equipment storage area. He said the proposed landscaping has enhanced the sightline from the previous sightline exhibits that were presented earlier in the hearing process. Mr. Nusser explained the site is approximately 700 to over 1000 feet from Route 206 where there are existing business uses along Route 206, which buffer the view of the site from Route 206. He felt there would be no visibility from Route 206. He felt the landscaping would visually buffer the site from the residences along Stickles Pond Road.

Mr. Nusser said there is no lighting in container, aggregate or equipment storage areas. He said there would be lighting in the parking lot and vehicle access areas. The security cameras would work off of night vision and not need lighting. He said there would be no light trespass off the site.

Mr. Nusser said the Board expressed a concern with the backup beepers on the equipment however, the beepers are required by law. The sound is about 100 decibels and that is by

design for safety. Mr. Nusser said they have the advantage of distance, physical barriers and landscaping to mitigate the noise. He said the closest container area to Stickle Pond Road is about 360 feet away and combined with the solid fencing, the aggregate bins and the aggregates stored in them, all provide a block to the sound of the beepers. He said the applicant would accept a condition of noise testing to make sure it conforms to the Township's noise ordinance and additional sound absorbing fence could be installed if the test failed.

Mr. Nusser said the plan before the D.E.P. is the current plan for the construction facility.

The Board took a five-minute break.

Mr. Morris noted the areas marked as future storage areas are steep and asked if those areas would be graded now to which Mr. Nusser said no. Mr. Morris asked if equipment would be stored in the area designated for future use to which Mr. Thomas said it has not been designated for any particular use at this time. Mr. Morris asked for clarification on the bins. Mr. Nusser said the layout of the bins may change based on what material is onsite. He said the bins are not fixed and are made of concrete blocks that can be moved around, they are stacked and moveable to meet the needs of the site. Mr. Morris asked about the groundwater testing and when the information would be available. Mr. Nusser said he was hoping to have that by the next meeting date. Mr. Stoner said the equipment storage area is not flat and asked if the area would be re-graded. Mr. Nusser said the slope is about 4% and would make sure the slope is appropriate. He said there will be modifications to the grading plan however; it should stay fairly similar to what is being proposed. Mr. Stoner asked if the D.E.P. had been notified of the changes to the plans to which Mr. Nusser said the D.E.P. is still reviewing the plans. Mr. Stoner asked about the number of containers to which Mr. Nusser said 1000 containers are being proposed. Mr. Stoner asked if all aggregate material will be in bins and not in piles on the property to which Mr. Nusser said yes.

Mr. Morris expressed a concern with the landscape buffering in the equipment storage area. Mr. Nusser said the fence will be 8 feet tall and said the topography, landscaping and distance from the residential areas would screen the area from the residential area. Mr. Thomas suggested Mr. Morris and Mr. Nusser discuss further buffering to satisfy Mr. Morris' concerns.

Mr. Tolerico asked for clarification on the area for future use. Mr. Thomas said they have reduced the area of development and they understand they would have to come back to the Board for any future use of that area.

Mr. Tolerico asked if the applicant would post a bond for any spill remediation. Mr. Thomas said it would be difficult to determine the amount to bond and it would be unclear what they would be bonding for. He said the only volatile substances would be the fluids in the equipment.

Mr. Olsen asked for clarification on the D.E.P. permits they are applying for. Mr. Nusser said they are applying for two freshwater permits; one for filling an isolated wetland area and one for averaging the transition areas. He said the permits have been submitted and are under review. Mr. Olsen asked about the runoff into the wetland areas. Mr. Nusser said they are infiltrating the water and not redirecting it. He explained the current water flow situation. Mr. Olsen asked about the millings. Mr. Nusser said they would not bulk store asphalt millings onsite. He said the access roads and parking lot will be paved with asphalt millings which would contain a bonding agent and be rolled. Mr. Olsen asked for clarification on the truck operation onsite and expressed a concern with idling truck noise. Mr. Stoner said the Township has a noise ordinance which needs to be adhered to. Mr. Nusser explained the truck operation onsite and said the trucks would not be queued up; they would be directed to where they would unload and would leave the site. Mr. Olsen asked for a noise study prior to any approval.

Mr. O'Connell asked for a breakdown of the number of containers in each area to which Mr. Nusser said he did not have the breakdown. Mr. O'Connell asked how the interior roads would be cleared of snow. Mr. Nusser said they would be plowed. Mr. O'Connell was concerned about the use of salt and asked no salt use as a condition of any approval. Mr. Thomas said he will talk to his client and let the Board know at the next meeting. Mr. O'Connell asked about the wet season. Mr. Nusser said it is from November to April. Mr. Stoner said the concern is with the groundwater table not what is falling from the sky. Mr. O'Connell asked what is contained in the spill kit. Mr. Nusser said it is a drum for the material to be put in, absorbent material, gloves and personal protection equipment for the employees. Mr. O'Connell asked if all of the intersections and curves on the roads within the site are wide enough for trucks to pass and turn around. Mr. Nusser felt there was plenty of room for the trucks to maneuver. There was a discussion on how the trucks would move through the site. Mr. O'Connell asked if the aggregate area could be moved further away from Stickles Pond Rd. Mr. Nusser said the property has slopes and that would make it difficult to load and unload dump trucks. Mr. Stoner suggested moving the bins away from Stickle Pond Road by about 100 feet.

Ms. Howell asked what the max size spill the kit can handle. Mr. Nusser said they would have two spill kits and said he will find out what size spill it can handle.

Mr. Messerschmidt asked if the applicant would provide weekly equipment logs with the inspector's signature to the Township. Mr. Thomas said he would check with his client. Mr. Messerschmidt asked how much of the container area is in the low area. Mr. Nusser said he will get that information for the Board. Mr. Nusser explained the regrading that would take place and that the water would be directed away from the containers and into the basin. Mr. Messerschmidt asked if the water would travel across the ground or through a pipe. Mr. Nusser said across the ground. Mr. Nusser explained how the water would get to the basin and infiltrate into the ground.

Mr. Messerschmidt asked for the width of the interior roads to which Mr. Nusser said 25-feet. Mr. Nusser said a tractor trailer could pass each other and makes turns on the roads.

Mr. Messerschmidt expressed a concern that the water testing was not an adequate picture of the typical groundwater level and felt it should be done at the height of the rainy season. Mr. Nusser said the time of year they tested is when the groundwater is at its worst and there are other testing models that are conducted as well such as soil logs. Mr. Messerschmidt asked if any water testing had been done in the past. Mr. Nusser said he had done testing in the past and the analysis was consistent with the recent testing.

Mr. Morris said he had spoken to Equity Environmental and they will be putting together preliminary information that they will have for the March meeting. He said they are looking at what has been submitted by the applicant and looking to see if there are any deficiencies and the concerns in the Environmental Commission's letter. He said H2M will be looking at the groundwater.

Mr. Molica said the meeting will be carried to the March 15, 2022 and would be held at The Hillside Barn.

Mr. Ordile asked if the applicant could supply the Board with any exhibits they are planning to present ahead of time of the meeting. He also asked for the transcript ahead of the next meeting.

Mr. Karr returned to the Dais.

**ORDINANCES:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee*** – Eric Karr

Mr. Karr said they had the budget workshop and reviewed the budget. He explained what was eliminated from requested Land Use budget.

***Environmental Commission*** – Eric Olsen

Mr. Olsen said they have two new members that have joined the Commission.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen had nothing to report.

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

Mr. Carafello was not present to give report.

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

Mr. Messerschmidt said the subcommittee is finalizing the definitions and will forward them to Mr. Stoner for his comments.

**Redevelopment Subcommittee** – Joseph Ordile

Mr. Ordile said Board Members had received a copy of the Redevelopment Plan and they have received just a few comments. Mr. Messerschmidt said he had some comments and will forward them to Mr. Ordile.

**Master Plan Subcommittee** – Joseph Ordile

Mr. Ordile said the proposal due date was approaching and the subcommittee would review the proposals.

**VOUCHERS:**

Company	Purpose	Amount	Paid By
Weiner Law Group, LLP	Legal	\$448.00	Land Use Budget
Weiner Law Group, LLP	Larick, John	\$560.00	Applicant’s Escrow
Harold Pellow & Associates	BHT Properties Group	\$6,757.34	Applicant’s Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$400.00	Applicant’s Escrow

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

**CORRESPONDENCE:**

- 1.) From: Sussex County Department of Engineering & Planning  
Re: Ballentine Woods – Scheduled Hearing
  
- 2.) From: Mr. Matthew Pennisi, Dykstra Walker Design Group  
Re: 622 Route 206 – Letter of Interpretation
  
- 3.) From: Mr. Cory Stoner, PE  
To LAC Realty  
Re: AG Pizza Resolution Compliance

**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 members of the public still remaining, the meeting was closed 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. Olsen and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator