



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
The Hillside Barn
146 Lake Iliff Road
Andover, NJ 07860
MINUTES
March 15, 2022
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:34pm.

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 - Present
Eric Olsen – Present
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Excused
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: March 1, 2022

A motion to approve the minutes of the March 1, 2022 meeting was made by Mr. Skewes and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, Richard Skewes – yes, Joseph Ordile – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS: None.

COMPLETENESS REVIEWS: None.

Mr. Messerschmidt said the Board would handle some agenda items while they were waiting for a Board Member to show up.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Eric Karr

Mr. Karr said the Township Committee is holding a brush pickup and gave details on the event. Mr. Karr said the cannabis ordinance was sent to the Board for comments, which the Board made and sent it back to the Township Committee who accepted the recommendations. He said the adoption of the ordinance will take place on April 7, 2022. Mr. Karr said the maps were removed from the ordinance. He elaborated on the types of licenses the Township would allow. Mr. Karr said the Township’s budget had been delayed because of the State aide numbers.

Environmental Commission –Eric Olsen

Mr. Olsen gave an update on the Open Space Plan. He said they are making some substantive changes to the draft copy and they hope to have it in front of the Board in a few weeks. Mr. Olsen said they are waiting to hear back from the County on the trial grant they had submitted for benches and kiosks. He said there is a subcommittee that is reviewing the Environmental Impact Statement requirements that the ordinance addresses and will get that back to the Board. He said they are working on an official ribbon cutting of the Andover Loop Trail for June 4, 2022.

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 is finalizing the definitions and then they will be sent to Mr. Stoner for review.

Redevelopment Subcommittee – Joseph Ordile

Mr. Ordile said the Board recommended the maps be updated and changed which they were and the final version of the Redevelopment Plan is ready to be sent to the Township Committee. The Board agreed to send the final version t the Township Committee.

Master Plan Subcommittee – Joseph Ordile

Mr. Ordile said the proposals were received and the subcommittee will interview the three firms that submitted proposals. Mr. Karr advised the public that there will be a public engagement event for their input on the Master Plan.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group, LLP	Legal	\$183.62	Land Use Budget
Weiner Law Group, LLP	Larick, John	\$1,568.00	Applicant’s Escrow
Weiner Law Group, LLP	Redevelopment Area	\$288.00	Redevelopment Budget
Weiner Law Group, LLP	Ballantine Woods	\$208.00	Applicant’s Escrow
Weiner Law Group, LLP	Richard Jump	\$64.00	Applicant’s Escrow
Harold Pellow & Associates	Engineering	\$337.50	Land Use Budget
Harold Pellow & Associates	Pace Glass	\$239.67	Applicant’s Escrow
Harold Pellow & Associates	Ballantine Woods	\$301.45	Applicant’s Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$880.00	Applicant’s Escrow

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

CORRESPONDENCE: None.

PUBLIC PORTION:

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

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. said for the record, he was providing an extension of time for the Board to act through the end of May, 2022.

Mr. Messerschmidt said the Board was able to secure the Andover School system to hold further meetings for this hearing. He said the hearing would be carried to March 29, 2022 and would be at the Florence M. Burd School at 219 Newton Sparta Rd., Andover Township, NJ and on April 19, 2022 and May 17, 2022 and May 31, 2022 would be held at the Long Pond School located at 707 Limecrest Rd., Andover Township NJ at 7:30pm.

Mr. Molica said announcements would be made after each meeting as to the location of the next meeting. He said the applicant would not be serving notice to the 200-foot adjacent owners but the Board would publish its own notice.

Mr. Karr recused himself and left the dais.

Mr. Messerschmidt advise Mr. Thomas that the Board had received the transcript of the previous meeting today. Mr. Thomas said he had received it the day before. Mr. Messerschmidt felt it should not take a month to transcribe one person's testimony. Mr. Thomas said he would do what he can to get them to the Board faster.

Mr. Messerschmidt said the Board had just received revised maps at tonight's meeting. He felt Mr. Thomas put the Board at a disadvantage by providing the maps at the meeting where the Board Professionals and Board Members have not had a chance to look at them. Mr. Messerschmidt said the public has not had a chance to look at them either.

Ms. Durkin, Esq. said she had not received one transcript and they were not on the Township's website. She felt the plans are never provided in a timely fashion and felt that puts her at a disadvantage.

Mr. Thomas said the plans were provided last Thursday, and did not know the Board Secretary was on vacation. He said they were partially reviewed by the Board Engineer and Planner. There was a discussion on when plans and materials should be submitted to the Board. Mr. Stoner said he received the plans on Thursday and felt comfortable enough to move forward. Ms. Howell felt the Board and the public are not prepared to move forward. Mr. Ordile felt the hearing should keep moving forward and asked for the opportunity to be able to ask questions of the Engineer. Mr. Messerschmidt suggested the applicant present the new maps and then have Mr. Nusser return to the next meeting for the Board to ask questions once they have had time to review the new maps.

Ms. Durkin said she received an email with the plans at 4:12pm on Thursday, March 10 and complained the plans were not posted to the Township website. She felt nobody had a chance to review the plans. She said the Board and the public wanted to see an end to this application and felt the applicant wanted to wear down the public and the Board. Mr. Thomas objected to Ms. Durkin's statements. Mr. Molica suggested the revised plans be submitted as exhibits. Mr. Ordile asked to be able to ask questions about the facility operations manual.

Mr. Nusser presented revised plans with a date of 3/8/2022, which had been submitted to the Board, consisting of 27 sheets, which were marked and entered as exhibit A-23. Ms. Durkin asked if these maps had been submitted to her. Mr. Thomas said they were emailed to Ms. Durkin.

Mr. Nusser presented a plan entitled "Predevelopment Drainage Area", Sheet 1 of 2, with a date of 3/8/2022, which was marked and entered as exhibit A-24.

Mr. Nusser presented a plan entitled "Post Drainage Area", sheet 2 of 2, with a date of 3/8/2022, which was marked and entered as exhibit A-25.

Mr. Nusser presented a revised Stormwater Management Report with a date of 3/8/2022, which was marked and entered as exhibit A-26.

Mr. Nusser said exhibits A-24 and A-25 are appendices of A-26.

Mr. Nusser presented a rendering of sheet 4 of 28 of the "Overall Site Plan" with a date of 3/8/2022, which was marked and entered as exhibit A-27.

Mr. Nusser said he spoke to the applicant about the use of salt as part of any snow removal and the applicant would agree not to use salt for snow removal purposes in the container or equipment storage areas. They would only use it for the parking lot around the building and the access driveway.

Mr. Nusser said exhibit A-27 is an updated version of exhibit A-17. He said based on comments from the Board, they relocated the material storage area from the eastern side of the property

close to the road and pond, and moved it to the rear of the property, which was formerly where the equipment storage area was. He explained they relocated the aggregate storage area and the equipment storage area. He explained the existing structures would be removed but the existing vegetation would remain intact. Mr. Nusser said the giant mound of earth, which provides screening, would be left in place and all of the existing screening between the road and runway will remain. He said the distance from Stickle Pond Road to the container area is now, at its closest point, 300 feet from the road. He explained the proposed evergreen buffer and fence to the Board. He explained the modifications to the Board and said the basin on the western side would be removed since they are no longer working in that area. He said when the landscaping is installed they will submit to having the Board Professionals review the landscaping and if more is needed they will install it. He said the equipment storage area is 2.95 acres and the aggregate storage area is 3.4 acres.

Mr. Nusser said the stormwater would be as previously designed with some slight modifications to the elevation of the basins and he is comfortable in the design of the basins. He explained the modification to the access of the storage bins. He said by moving the bin location it eliminates trucks from crossing the parking lot area as well as improving the dust control issues. He said the applicant would do whatever is needed to mitigate the dust.

Mr. Nusser said the applicant has agreed to do weekly inspections of the equipment and send quarterly reports to the Township.

Mr. Stoner said the applicant kept saying things were “suggested by the Board Engineer” and he objected to that terminology. He said it is hard to determine where the supplemental landscaping would need to be until the site is built. He said the stormwater is in cursory review. Mr. Stoner went through the responses the applicant had to the Board’s comments. He said he still has to go through the revised plans.

Mr. Messerschmidt said the Board would hold their questions until they have had time to review the plans. Mr. Ordile did have questions from previous testimony. Mr. Molica said Mr. Ordile did not have time at the last meeting to ask his questions from prior testimony.

Mr. Ordile asked Mr. Thomas who would be the next witness to which Mr. Thomas said his traffic engineer. Mr. Ordile asked if Mr. Adar, principal of BHT Properties Group, would testify to which Mr. Thomas said no. Mr. Thomas felt it was not necessary since Ms. Sainz had already testified.

Mr. Ordile asked Mr. Nusser if he was the lead engineer on the project to which he said yes. There was a discussion on why Mr. Ingram had signed the plans. Mr. Ordile asked questions about Mr. Nusser’s involvement in the project.

Mr. Ordile asked questions about the Program Manual and Spill Cleanup manual. He asked if the manual was created by BHT to which Mr. Nusser said BHT adopted it. Mr. Nusser said it is what BHT uses on their other sites. Mr. Thomas said Ms. Sainz would be responsible for making

sure the employees were trained on the manual. Mr. Ordile asked if the manual was appropriate for managing big and small spills to which Mr. Nusser said yes. Mr. Ordile questioned if the manual is appropriate for the State of NJ regulations. Mr. Thomas said it is a protocol adopted by BHT and BHT would need to follow State and Federal regulations. Mr. Nusser explained the cleanup process. Mr. Ordile asked how the cleanup would take place on gravel. Mr. Nusser said it would be the same as a cleanup on pavement. He said the gravel is well packed.

The Board took a five-minute break.

Mr. Nusser continued and explained the gravel is compacted and consider an impervious surface. Mr. Ordile asked what FM186 was to which Mr. Nusser said it is a solution used for the small spills. Mr. Ordile asked if waiting 30 days for a follow up evaluation of a spill was appropriate. Mr. Nusser explained there is time need to remediate the spill. Mr. Ordile asked if the operator would be logging the spills to which Mr. Nusser said yes. Mr. Thomas said they would send those logs to the Township.

Mr. Thomas said the document would have to be modified to be applicable for this site. Mr. Ordile asked what FM186 is used for. Mr. Nusser said it is a solution used for an oil or fuel spill. Mr. Ordile asked if it is environmentally safe. Mr. Thomas said they would get that information for the Board. Mr. Ordile asked Mr. Nusser if he still felt the manual is appropriate to which Mr. Nusser said yes.

Mr. Stoner asked Mr. Nusser for the status of the D.E.P. permit application. Mr. Nusser said he had not resubmitted it to the State yet. Mr. Stoner asked about the Phase I archeological report. Mr. Thomas said it is with the State Historic Preservation Office and once that report is completed, he would provide a copy of it to the Board.

Mr. Messerschmidt announced the next meeting would be held on March 29, 2022 at the Florence M. Burd School, 219 Newton Sparta Road, Andover, NJ at 7:30pm. He said no notice would be provided to the adjacent property owners. He said the Township would publish a notice of the special meeting.

Mr. Thomas said he would continue to provide transcripts to the Board however, he felt it is not his obligation to provide transcripts to anybody else. Mr. Molica said they are available for public review once they are filed with the Board.

Mr. Messerschmidt advise the Board the upcoming meeting dates would be March 29, 2022, April 19, 2022, May 17, 2022, May 31, 2022, August 30, 2022, and November 29, 2022.

A motion to add the additional special meetings; March 29, May 31 August 30, November 29, was made by Mr. Tolerico and seconded by Mr. Skewes. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

UPCOMING MEETINGS: April 5, 2022, April 19, 2022

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn was made by Ms. Howell. It was seconded by Mr. Olsen and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator