



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Long Pond School  
707 Limecrest Road  
Newton, NJ 07860  
MINUTES  
April 19, 2022  
7:30 p.m.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

Mr. Messerschmidt led everyone 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 Long Pond School, located at 707 Limecrest Rd., Newton, 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 10:00pm. 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 - Excused  
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.  
Cory Stoner, PE  
Matthew Morris, PP

Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** None

**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. Thomas, Esq. said they provided the Board with a letter, dated April 8, 2022, which addressed some of the comments from the last hearing. He said the letter addressed the request for the applicant to go to the D.O.T. in regards to the timing of the traffic light however; the Township would need to make that request to the D.O.T. He said they would assist the Township in that request. He said the letter also addresses Mr. Stoner's concern about the number of parking spaces so there will be a reduction in the number of parking spaces down to 25 spaces. He said the applicant would like to have some banked parking in case the need arises in the future. Mr. Thomas said the letter also indicated all trucks; tractor-trailers or dump trucks and vendors accessing the site would be instructed to arrive and depart via Route 206.

Mr. Thomas said Mr. Stoner had a concern with the part of Stickles Pond Road they would be traversing. He said if the Township DPW did not have specifications for that section of the road, then they would, with the Township's permission, conduct a boring to determine what the underlying road makeup is. He said after a 6-month or year time period, they would do a wear test to find out what kind of impact the trucks may have had on the road. If there is an impact to the roadway, they would be subject to the MLUL under section 53 and they would be responsible to any related contribution to the repair of the roadway.

Mr. Thomas said they have testified to having up to 20 employees resulting in a maximum of 40 trips per day. He said there would be tractor-trailer and dump trucks coming to the site and there would not be more than 150 truck trips four time per month, which Mr. Chase, Mr.

Nusser and Ms. Sainz have testified to, and they are making that a stipulation. Mr. Thomas offered the letter as part of the record.

Mr. Thomas submitted a supplemental traffic report by Mr. Cory Chase of Dynamic Traffic dated April 7, 2022 which was marked and entered as exhibit A-28.

Mr. Molica asked who the owner of the property is to which Mr. Thomas said it is now BHT Properties Group.

Mr. Chase, who was still under oath, said he provided supplemental D.O.T. historical fact content that was discussed during his prior testimony. He explained it was the basis for the adjustment factors that were applied to the July 2020 traffic counts. He went over the report with the Board. He said the traffic counts during July 2020 were affected by the Pandemic. He said the report provides breakdowns of the data and explained the annual growth rates to the Board. He said they are inflating the traffic volumes to be conservative in nature. He explained how he calculated the traffic numbers. He said the methodology they used is generally adopted throughout the State of New Jersey. He said it is his understanding that there would be 150 truck trips, four times per month and about 15 truck trips per day on the remaining days of the month which verifies the analysis he did in regards to the traffic study. He said all of the internal circulation aisles within the site are proposed to be 25 feet in width, which would allow for any trucks to be parked and loading or unloading and another truck to bypass. He said trucks are typically 8.5 feet in width and with a 25-foot-wide road, there is sufficient width for one truck to pass another. He said there is 45-foot distance between the containers providing sufficient room for the trucks. He said he understands there would be no parking of trucks on Stickles Pond Road at any time. He said he understood there would be employees directing the trucks where to go to load and unload which would add to the flow of the trucks onsite and lessens the trucks idling onsite.

Mr. Messerschmidt permitted Ms. Durkin to continue with the cross examination of Mr. Chase from the prior hearing.

Mr. Messerschmidt asked Ms. Durkin if she would supply an updated list of the people she is representing to which she said yes.

Ms. Durkin asked if Mr. Chase had provided the August 2020 report for the previous BHT application to which he said yes. Mr. Chase revised that report for the current application and said the primary revision was the change in the proposed development and use. He said he had not previously prepared a traffic study to this specific use proposed by BHT. Ms. Durkin asked if he had ever prepared any other report for this specific use. Mr. Chase said he has prepared thousands of traffic impact analysis and this use is unique and he has not prepared one completely comparable to this one and felt it was not applicable to his testimony. Ms. Durkin

asked how Mr. Chase arrived at the opinion that a construction equipment yard and material storage facility is unique. He said this particular land use is not categorized with the Institute of Transportation Engineers. He said there are many general land uses they refer to in the trip generation manual so when you come upon a unique use such as this, the experts rely on data provided by the applicant to their specific operation. Ms. Durkin asked if the only source of information that Mr. Chase used to drive his opinions in his report regarding the proposed uses on this site were from the applicant. Mr. Thomas objected to the question. Ms. Durkin asked that in Mr. Chase's Traffic Impact Study the only source of information in regards to the proposed operations on the site were received from the applicant to which Mr. Chase said that was correct. Ms. Durkin questioned Mr. Chase on who he spoke to from BHT Properties Group. Mr. Thomas objected to the line of questioning. Ms. Durkin asked if Mr. Chase had visited any construction yards, material storage yards or done any online research in preparing his report to which he said he had not. Mr. Chase said the use is unique to those individual operators so visiting another facility and observing their operations would provide no benefit to him because it is not going to be the same as this site. Ms. Durkin asked if Mr. Chase generated his report prior to Ms. Sainz testimony to which he said yes. Ms. Durkin said Ms. Sainz testified that she had no experience in the operation and asked Mr. Chase if he felt he did not need to do any further investigation as to the operation of a construction yard or material storage yard. Mr. Thomas objected to the characterization of the questions and said it was not what the testimony was. He said Ms. Sainz indicated she had information she received from her employer in regards to the operation and would rely upon other individuals who were experienced in the area of operations of these kinds of facilities. Mr. Molica said in light of Ms. Durkin's tardiness, Mr. Thomas did address her characterization of Ms. Sainz testimony at the beginning of the hearing but since she was not present, she did not hear that. Mr. Chase said it is not uncommon for an applicant to hire a traffic consultant to prepare a traffic study for a new use. He said he takes the operational data, puts that data into a traffic analysis and generates a report. He said he does not go out and study other operations but relies on the information from his client. He explained how the data is calculated. He said the ITE encourages using the applicant's data. Ms. Durkin felt the data was fabricated. Mr. Thomas objected to the word fabricated. Mr. Molica said let the record reflect that the witnesses answering of this question does not constitute an agreement that the information or the documentation he received from his client was a fabrication. Mr. Thomas said the question could not be answered. Mr. Molica felt Ms. Durkin was accusing Mr. Chase of using false data. Ms. Durkin said the information Mr. Chase received from his client at the time he prepared his report had no basis of fact to which Mr. Chase said that was not correct. Ms. Durkin asked Mr. Chase if his client told him they had experience in operating other facilities that are the subject of this application. Mr. Chase said the data is based on how his client intends to operate this facility. Ms. Durkin asked if Mr. Chase, at the time he generated his report, had an understanding that his client had never operated a facility like the one they are proposing in this application. Mr. Chase said he did. Ms. Durkin said when Mr. Chase generated his report, the source of information that he was using was from his client who had no experience or fact information to give him. Mr. Thomas

objected to the question and said the fact of the matter is an individual can say they have a plan, they will implement that plan and this is the way they are going to implement it; and even though they have not done it before does not invalidate the information that is provided by the client. Mr. Chase again said the data that was used in his analysis was based on the data supplied by the applicant for their intended operation. He said the applicant decided on the number of employees they intend to have, how many truck trips they intend to have at this facility and that is what his report is based on. Ms. Durkin, referencing exhibit A-17, asked if the applicant is doing the public a favor by not allowing parking on Stickles Pond Road. Mr. Thomas said they were not stating anything like that and felt the characterizations were difficult to ignore. He said the applicant is making a stipulation and nothing more. Ms. Durkin felt they are stipulating to something that is not legally permitted.

The Board took a five minutes break.

Ms. Durkin asked for Mr. Chase to show her on Exhibit A-27 how a truck comes into the site, and goes to a particular storage container and loads or unloads. Mr. Chase explained that movement. Ms. Durkin said there is no width dimension on the plans and asked how Mr. Chase knew what the aisles are 25 feet wide. Mr. Chase said he scaled the driveway width. Ms. Durkin asked if Mr. Chase's scaling was accurate to the plans to which he said yes. Ms. Durkin asked how a truck would access a storage container. Mr. Chase explained the truck movement to the Board. Ms. Durkin asked how a flatbed truck would load and unload a shipping container. Mr. Chase explained how the truck would load and unload from a shipping container and said it would load from the drive aisle. He said there is sufficient room for another truck to pass. He said there is sufficient circulation roads throughout the site so if a truck chose to utilize another circulation route they can do so. Ms. Durkin asked how a box truck would load or unload a middle shipping container. Mr. Chase said it would load and unload as he has previously described. He said it would park in the direction it is traveling and park in the drive aisle. Ms. Durkin asked if that was an extreme lack of efficiency to which Mr. Chase said no. Ms. Durkin asked how rebar would be offload from the truck and loaded into the shipping container. Mr. Chase said that was an operational question and would be happy to give only his opinion because he was not an expert in the loading and unloading of trucks. He said it would likely be loaded and unloaded with a forklift. Ms. Durkin said she was trying to understand how 150 trucks would get in and out, then load, and unload material. Mr. Chase said it is only 75 trucks being loaded or unloaded through the course of the day and they would be loaded and unloaded in the manner in which he had just described. Ms. Durkin asked if there were loading docks on any of the shipping containers to which Mr. Chase said no. Ms. Durkin asked if at any time there would be two trucks in the aisle. Mr. Chase said there is sufficient length and width in the aisles to accommodate more than one truck. Ms. Durkin said she did not understand how that would happen without loading docks. Ms. Durkin asked if the aggregate area was an open area for trucks to load and unload to which Mr. Chase said it would be a more open area. Ms. Durkin asked if a truck could safely load or unload heavy construction material from a

shipping container into a truck even with the 25-foot wide access aisle. Mr. Thomas felt that the same question is being continually asked and answered. Mr. Chase said the aisle are proposed to be 25 feet in width with ten feet beyond the drive aisle for a total of 45 feet and in his professional opinion, it is a sufficient area to load and unload trucks and is also sufficient width to allow another truck to bypass should it be required to do so. He said with the onsite employees, the passing of trucks would be coordinated with the operator and the individuals loading or unloading the truck. Ms. Durkin asked if Mr. Chase had any experience with construction material being loaded and unload from a shipping container. Mr. Chase said it would be the same as any other material being loaded or unload from a shipping container. He said they look at the available maneuvering area, determine it is sufficient to accommodate the needs of the applicant and again this is sufficient to accommodate his client's needs. He said they reviewed the width of the aisle, the offset from the container to the aisle, and feel it is sufficient area to provide for the maneuvering to accommodate their needs. Ms. Durkin asked if Mr. Chase had any professional experience in the loading or unloading of material a shipping container. Mr. Thomas said the question had already been asked and answered. Mr. Chase said it is his responsibility as a professional to review the plans, review the ordinance, review the dimensions and determine if it sufficient. He said if Ms. Durkin was asking if he had experienced specifically with driving a forklift in a construction material storage yard to offload a truck into a shipping container; he did not. He said he is professional traffic engineer and does not work in construction yards. Ms. Durkin again asked if Mr. Chase had any professional experience with the use of shipping containers as they are proposed on this site. For clarification, Mr. Molica asked if Ms. Durkin was asking Mr. Chase if he has prepared traffic analysis with those specific structures. Mr. Chase said it is not uncommon to use shipping containers as an accessory use for storage onsite and said he has prepared reports for other clients where these types of structures are used. He said he has worked on other applications where shipping containers are used as an accessory structure for storage. Ms. Durkin asked if they were used as exactly, they would be for this site. Mr. Chase said they were not used for construction material storage, but as an accessory means of storage. He said it is not uncommon for a store, warehouse or other facility to use them as accessory storage. Ms. Durkin asked if those applications used less containers. Mr. Chase said less than what is being proposed for this site.

Ms. Durkin asked if Mr. Chase knew how many bus stops were on Stickles Pond Road to which Mr. Chase said he did not know. Ms. Durkin asked if Mr. Chase felt that is important to know to which Mr. Chase said he did not. He said this project is not going to generate any school age children so it would not have an impact on the bus stops.

Ms. Durkin had no further questions.

Mr. Messerschmidt opened the meeting to the public. Mr. Messerschmidt reminded the public that no one who was represented by Ms. Durkin could ask questions because Ms. Durkin was asking questions on their behalf.

Mr. Ken Best of 305 Stickles Pond Road, Andover, NJ calculated that with the 150 truck trips and there being 540 minutes in a day, there would be a truck going down the road about every four minutes. Mr. Chase said it is calculated on the hours of operation. Mr. Thomas said the hours of operation are 8:00am to 5:00pm. Mr. Chase said on the other days there would be the 20 employees with 40 trips and 10 to 15 trucks, which would calculate to a truck entering or exiting every ten to 15 minutes. Mr. Best asked about the height of the road at the east end of the airport or the elevation of the container storage area. Mr. Chase said that would be a question for the site engineer.

Mr. Al Picone of 4 Bernard Drive, Andover, NJ asked if Mr. Chase's survey counted pedestrians or bicycles. Mr. Chase said they did not observe any at the time the traffic counts were done.

Mr. Neil Hubbard of 12 Caitlyn Court, Andover, NJ asked how the applicant would guarantee that the trucks would not arrive before 8:00am and would not turn around on Stickles Pond Road. Mr. Chase said anything agreed upon by the applicant as part of this application is put into a resolution and becomes a binding legal document and if things are found to be in violation of any conditions of approval, they become enforcement issues. He said the residents could file a complaint with the Zoning Officer who would enforce the conditions. Mr. Hubbard said there is plenty of space inside of the facility to park and asked if it would be possible to have one employee arrive early and open the gate to let the trucks in. Mr. Thomas said anything is possible and it would certainly be considered.

Mr. Al Bills of 15 Springdale Garden Road, Andover, NJ said there was testimony that if two trucks showed up to the site before 8:00am the truck drivers would communicate by cell phone and he asked for clarification on that since the drivers may be from different companies. Mr. Thomas said the applicant could provide all of the contractors with an operational number for the facility so the driver could call the company and be advised if they should turn down Stickles Pond Road or not. Mr. Bills asked how they would do that if the facility were closed. Mr. Thomas said an employee could be present prior to the hours of operation. Mr. Bills felt an employee arriving before 8:00am would change the hours of operation to which Mr. Thomas disagreed.

Mr. Tim Keyes of 123 Pierce Road, Lafayette, NJ said he has had a class A CDL license for 35 years and said a trailer is eight feet, six inches wide and a truck with the mirrors is about ten and a half feet wide, and felt the drive aisle does not leave much leeway for passing. Mr. Chase agreed the trucks are 10.5 feet wide with the mirrors but felt that still leaves a four-foot buffer

to allow the tucks to pass one another. Mr. Keyes asked how the freight would be moved from one end of the container to the other. Mr. Chase said that is outside of his level of expertise.

Mr. Gary Wittrien of 3 Bernard Drive, Andover, NJ said he remembered testimony that the rebar would be taken one at a time and manually loaded into the container. Mr. Thomas said he did not recall that testimony. Mr. Messerschmidt agreed. Mr. Wittrien had no further questions.

Mr. Alan Galonsky of 6 Valleyfield Road, Andover, NJ asked if the traffic counts conducted in July timeframe was mandated by the State. Mr. Chase said his company chose to conduct the traffic counts during that time which was during the pandemic. He said they also used the D.O.T. historic traffic counts which represented typical traffic counts in the area and made adjustments. Mr. Galonsky asked if they looked at counts from other months to which Mr. Chase said the D.O.T. data was from August. Mr. Galonsky asked if they looked at the higher peak months of traffic. Mr. Chase said the data for Route 206 is from April 2017 so there were months used outside of July. Mr. Galonsky asked if there would be a higher number of school busses outside the summer months and what that impact would be. Mr. Chase said the historical data would account for any school busses at the time.

Mr. Larry Metzgar of 11 Arthur Ave., Andover, NJ asked if there would be a turning lane into the lot. Mr. Chase said there is no left hand turning lane proposed at this time. Mr. Metzgar asked if they are proposing to widen the intersection at Route 206. Mr. Chase said they are not proposing to modify the intersection. He said they are looking at modifying the signal timing. He said the Township would have to submit a request to the D.O.T. and they would be amenable to working with the Township to help fulfill that request.

Ms. Marybeth Somerville, 123 Pierce Road, Lafayette, NJ asked if filling shipping containers with construction material and then shipping that all over the northeast is a viable business model. Mr. Chase said that is outside his level of expertise.

With nobody else from the public coming forward, the meeting was closed to the public.

The Board took a five-minute break.

Mr. Ordile asked if the applicant would stipulate that no trucks would turn onto Stickles Pond Road or enter the site prior to 8:00am. Mr. Thomas said they have already stipulated that no trucks would park on Stickles Pond Road. Mr. Thomas said he would look into that request and get back to the Board with an answer.

Mr. Ordile said he had requested additional D.O.T. information on non-peak traffic information. Mr. Chase said as part of his April 7, 2022 supplemental information provided to the Board, are



the hourly N.J.D.O.T. traffic volumes. He explained the hourly breakdown data to the Board. Mr. Ordile felt the peaks were before 4:30pm and asked if the study would need to be recalculated. Mr. Chase explained the pm hourly traffic data to the Board and how they were calculated. Mr. Ordile asked for truck and tractor-trailer information at the intersection. He said he had asked what percentage of traffic would increase at the intersection during peak hours. Mr. Chase will get that information to the Board. Mr. Ordile said the historical data was based on three different dates and wanted to know why he chose those date. Mr. Chase said those were the only dates the D.O.T. had available data. Mr. Ordile asked if Mr. Chase was aware that the data from April 28, 2017 was Easter week. Mr. Chase said he was not aware of that. Mr. Ordile asked questions about the various tables of data in the report. Mr. Chase explained the data. Mr. Ordile felt the report seems to pick and choose the data they reported. Mr. Chase said they took the higher volume to be more conservative.

Mr. Stoner said his office might have historical plans on the pavement evaluation on Stickle Pond Road. He said the evaluation must look at the impact of additional trucks on the roadway. Mr. Stoner explained the boring process to the Board. Mr. Stoner asked what the impact to the roadway and the neighborhood would be. He asked how Mr. Chase determined 50% of the trucks will head northbound on Route 206 and 50% will head southbound on Route 206. Mr. Chase said they distributed the trucks on the prevailing traffic volumes on the Route 206 corridor and said it is relatively a 50-50 split. Mr. Stoner asked how they plan to control the requirement for all of the trucks to come in from the Route 206 side of Stickle Pond Road. Mr. Chase said for the egress side they could post a sign all truck must turn right and similarly the operation directive could be handed down to the supplier that all tucks must use the Route 206 corridor. Mr. Thomas said when there is a contract between the company and the supplier it could indicate no trucks coming from Newton Sparta Road. Mr. Stoner asked if the applicant would work with the Township to make sure there is proper signage for no parking on Stickle Pond Road. Mr. Stoner asked for more information on the operational side of loading the containers.

Mr. Messerschmidt said the hearing would be carried to May 17, 2022 at 7:30pm in the Municipal Building located at 134 Newton Sparta Road, Andover NJ. He said there would be no further notice by the applicant to the surrounding property owners.

**ORDINANCES:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee*** – Eric Karr

**Environmental Commission** –Eric Olsen  
**Sustainable Andover** – Eric Olsen  
**Economic Development Committee** – John Carafello  
**Zoning Map/ Zone Changes Subcommittee** – Paul Messerschmidt  
**Master Plan Subcommittee** – Joseph Ordile

Mr. Messerschmidt said they would carry the liaison reports to the next meeting.

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Weiner Law	Legal	\$528.00	Legal Budget
Weiner Law	Ballantine Woods	\$960.00	Applicant’s Escrow
Weiner Law	Robert McDonald	\$240.00	Applicant’s Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,984.00	Applicant’s Escrow

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

**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 nobody from the public coming forward, the meeting was closed to the public.

**UPCOMING MEETINGS:** May 3, 2022, May 17, 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