



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Municipal Building  
134 Newton Sparta Road  
MINUTES  
July 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 the room 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 Rd., 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 - Excused  
Eric Olsen – Excused  
John Carafello – Excused  
Suzanne Howell – Excused  
John O’Connell – Present  
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:** May 17, 2022

A motion to approve the minutes of the May 17, 2022 meeting with the noted correction was made by Mr. Ordile and seconded by Mr. Tolerico. Roll Call: John O’Connell – abstain, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

**RESOLUTIONS:**

Mr. Ordile asked when construction could begin on any of the approved resolutions. Mr. Molica said the applicant would go through resolution compliance and then obtain building permits.

1.) McDonald, Robert B: 5 L:79.06 Application # A22-1

A motion to approve the resolution of the Robert McDonald application was made by Mr. Ordile and seconded by Mr. O’Connell. Roll Call: Joseph Ordile – yes, Richard Skewes – yes, John O’Connell – yes, Paul Messerschmidt – yes. Motion carried.

2.) Always Comfy B: 100 L:2 Application # A22-2

A motion to approve the resolution of the Always Comfy application was made by Mr. Skewes and seconded by Mr. O’Connell. Roll Call: Joseph Ordile – yes, Richard Skewes – yes, John O’Connell – yes, Paul Messerschmidt – yes. Motion carried.

3.) Sweeney, Cheryl B: 158 L:12 Application # A22-3

A motion to approve the resolution of the Cheryl Sweeney application was made by Mr. Skewes and seconded by Mr. O’Connell. Roll Call: Joseph Ordile – yes, Richard Skewes – yes, John O’Connell – 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.*

Mr. Roger Thomas, Esq. said they were present to present Mr. Nusser for cross-examination.

Mr. Ordile gave a brief history of the various witnesses with Mr. Nusser giving his testimony about one year ago and said that was a challenge to him. Mr. Ordile asked who was capturing all of the stipulations agreed to by the applicant. Mr. Molica said the Board was as well as possibly Mr. Thomas and Ms. Durkin and it is on the record that has been created. Mr. Ordile asked if a document could be submitted to the Board of all stipulations agreed to thus far. Ms. Durkin said she was not tasked with the obligation to keep a list of stipulations. Mr. Thomas said he would send a list of exhibits and stipulations to Mr. Molica.

Mr. Ordile asked if Mr. Thomas had reached out to Mr. Adar to ask him to attend a meeting. Mr. Thomas said he had reached out to Mr. Adar and was not sure if he would attend however, a representative from BHT would give testimony on the operations and the operational plan. Mr. Ordile said two or three witnesses have identified Mr. Adar as someone who is heavily engaged in the operation.

Mr. Ordile asked about the information he had requested in March regarding tractor-trailer traffic at the intersection of Route 206 and Stickles Pond Road. Mr. Thomas said he would talk to Mr. Chase and provide that to the Board.

Mr. Ordile said he asked the applicant to stipulate that no trucks would turn onto Stickles Pond Road or enter the site prior to 8:00am and that Mr. Thomas would look into that and get back to the Board. Mr. Thomas said he thought he had made that stipulation that no trucks would be coming onto the site before 8:00am. Mr. Thomas said there was a gentleman at one of the former meetings that had a concern that someone would be at the site if trucks did arrive early and said the applicant thought that was a good idea. He said that was a stipulation also. He said he thought that was the end of that discussion. He said no trucks would be standing on Stickles Pond Road or in the driveway. There was a discussion about trucks turning onto Stickles Pond Road prior to 8:00am. Mr. Ordile asked if Mr. Thomas had provided the loading and unloading operation information to the Board. Mr. Thomas said they would have testimony on that. Mr. Ordile asked if the applicant's operational plan could be presented to the Board. Mr. Thomas said that was being worked on and would submit it to the Board. Mr. Ordile asked if the operating hours were 8:00 to 5:00 Monday through Friday to which Mr. Thomas said yes. Mr. Ordile asked if Mr. Thomas would agree to a condition that those hours would never change. Mr. Thomas said he would talk to his client about that. Mr. Ordile asked how the applicant follows up on items without a copy of the transcript. Mr. Thomas said he takes good notes.

Mr. Molica reminded Mr. Nusser he was still under oath.

Mr. Stoner asked if the Board would get a new EIS and Spill Plan to which Mr. Thomas said yes.

Mr. Ordile asked about the future use area, which appeared on previous plans and asked if the applicant would come back to the Board if that area were used. Mr. Nusser said if there are any changes to the site plan, the applicant would return to the Board. Mr. Ordile asked about the location of the proposed fencing.

Mr. Nusser presented sheet 4 of the plan set with a revision date of March 8, 2022, which was rendered to show the fencing, which was marked and entered as exhibit A-29.

Mr. Ordile asked where the solid fence would be located. Mr. Nusser marked exhibit A-29 to show the fencing and the solid fencing. Mr. Ordile asked why only two of the basins have fencing around them. Mr. Nusser said the two with fencing are on the edge of the facility and they did not want people driving into them. Mr. Stoner said he had a concern with the large basin along Stickle Pond Road since it would have water sitting in it for an extended period. Mr. Stoner said he was concerned with the basin near the runway and along the roadway. Mr. Nusser said they could add fencing around those basins that Mr. Stoner expressed a concern about. Mr. Ordile expressed a concern the entire property was not fenced. Mr. Nusser said the areas where material is stored is fenced. He said the site would have security cameras. Mr. Ordile expressed a concern that the houses across the street would see trucks moving from one side of the property to the other. Mr. Nusser said they would not because there is existing vegetation. Mr. Ordile said you could see through it.

Mr. Stoner said the current plans do not have a fence detail for the solid fence. Mr. Nusser said they would provide the fence detail. Mr. Stoner said the fence height would require a variance. Mr. Nusser agreed. Mr. Stoner said the split rail fence would need some kind of mesh behind it. There was a discussion on what type of fencing would be used in the various areas. There was a discussion on the fence locations where people may be able to see into the site.

Mr. Ordile asked about the container location. Mr. Nusser explained the container location to the Board. He said the plan depicts that 1000 containers could fit in the proposed location. Mr. Ordile asked why the containers would sit 10 back from the drive path. Mr. Nusser said it helps with the loading and unloading of the containers. Mr. Ordile asked how wide the container doors open to which Mr. Nusser said they would come out at 4 feet and swing to lay flat to the adjacent container. Mr. Ordile asked if the containers would be sitting on the ground to which Mr. Nusser said it was his understanding they would be on the ground. Mr. Ordile asked if the containers would be grounded for lighting strikes. Mr. Nusser said that is not his area of expertise. Mr. Thomas said the adjoining property has containers and he doubted they were grounded. Mr. Ordile said those containers are always moving around. Mr. Ordile asked for clarification on the location of the monument sign. Mr. Thomas said it would be within the ordinance setback requirements. Mr. Ordile questioned the height of the monument sign to which Mr. Nusser said it would be six feet in height.

Mr. Ordile asked about the drive paths to which Mr. Nusser said they would be millings. There was a discussion on the paved areas and the material used on them.

Mr. Thomas presented a rendered sheet 5 of the plan set with a revision date of March 8, 2022, which was marked and entered as exhibit A-30. There was a discussion on the inconsistencies in the various paved areas. Mr. Nusser said he would revise the maps to be consistent.

Mr. Ordile asked how the monument sign would be lit. Mr. Nusser said he did not know but would find out. Mr. Ordile asked about the retaining wall. Mr. Nusser said the fence is sitting on the retaining wall. He said the retaining wall is proposed for the change in grade. He explained where the wall would be located. There was a discussion on the wall.

Mr. Ordile suggested the monument sign not be lit at all. Mr. Thomas felt appropriate down lighting is appropriate. Mr. Messerschmidt felt it should have some sort of lighting.

Mr. Ordile asked if the bins would be sitting on gravel to which Mr. Nusser said yes. Mr. Messerschmidt said Mr. Nusser testified that the containers would be sitting on the ground when in fact they would be sitting on 6 inches of gravel. Mr. Nusser said he understood the question to be if the containers would be sitting on block. Mr. Nusser said there would be earthwork and then the gravel would be put down and that is the ground. Mr. Messerschmidt asked if the gravel would be at ground level or would the containers be sitting 6 inches above the ground. Mr. Nusser said the grades shown in the grading plan is the finished surface. He said the gravel is 6 inches below the grade. Mr. Stoner clarified that they would not be on exposed earth as per the plans.

Mr. Ordile asked if the containers would rust. Mr. Nusser said the grading is designed so the water has continuous positive flow at all times. He said there was a discussion if there would be ponding and impact the containers and his testimony was the inlets are there for water collection and if there is a possible collection of water there would be a positive flow towards the basin. He said there is no concern that the water will be ponding. There will not be any ponding in the container space.

Mr. Ordile asked about the entrance to the aggregate area on sheet 5. Mr. Nusser said it is the delineated end of the gravel drive path. He explained the area as having the bins for storing the aggregate and the gravel drive area. The hatched area is to show how access would be provided around the site and not to show a difference in drive path material. Mr. Nusser clarified the area to the Board.

Mr. Ordile questioned the terminology used on the plans in the gravel area and wanted to know why it called the bin area a "construction storage area". Mr. Nusser said the aggregate is a construction material however he would clean up the terminology. Mr. Ordile asked if the

gravel is pervious or impervious. Mr. Nusser said for the purposes of the stormwater design it is considered impervious. He explained the runoff and infiltration of the gravel.

The Board took a 10 Minutes break.

Mr. Ordile asked if the existing driveway, to be used for emergency access, would be changed or enhanced in any way to which Mr. Nusser said no. Mr. Ordile asked if the applicant would agree to never use that access to get to the east end of the container area to which Mr. Thomas said they agreed. Mr. Stoner asked about the other access on the other side of the runway. Mr. Nusser said that access was going to be removed and there was no intention to use it for tractor-trailers. Mr. Ordile asked if they are putting a gate on the emergency access to which Mr. Nusser said yes. Mr. Ordile asked how the emergency responders would get through the gate. Mr. Nusser said they would have a Knock Box. Mr. Stoner suggested a chain that could be cut. Mr. Thomas said they would install whatever the Board Engineer recommends.

Mr. Ordile asked if there would be a fence around the basin. Mr. Thomas said they had already agreed to that and it would be a post and rail fence with mesh of the type the Board Engineer is comfortable with.

Mr. Ordile asked about the truck circulation plan and asked for the location of the main access gate. Mr. Nusser said the access gate is on sheet 5 and not on the truck circulation plan. There was a discussion on sheet 9, which is the truck circulation plan. Mr. Stoner asked if the area is not going to be used for storage, then why put gravel down. Mr. Thomas said the plan was designed to show that 1,000 containers would fit in that area. Mr. Messerschmidt suggested the applicant add a rain garden in the area to defer them from using the area. Mr. Thomas suggested the fence be relocated to keep the area from being used and would be visible if it were used. Mr. Stoner felt the reconfigured fence and a modified landscaping would be satisfactory.

Mr. Ordile asked for the length of the proposed WB50 type trucks. Mr. Nusser said it is a typical tractor-trailer and not the interstate type with the sleeper cabs. Mr. Nusser said the length is based on the wheelbase. Mr. Stoner said it is approximately 50 feet. Mr. Ordile asked if the emergency access would be only for emergency vehicles to which Mr. Nusser said yes. Mr. Ordile asked if Mr. Nusser was familiar with the Township's emergency vehicles to which he said no. Mr. Ordile asked if a 60 feet piece of equipment would be able to access the facility. Mr. Nusser said he would reach out to the Fire Department to get the truck information. Mr. Ordile said due to the nature of the facility, the surrounding towns that would respond as well. Mr. Stoner said a WB50 is longer than a ladder truck and he did not feel a ladder truck would be needed.

Mr. Ordile asked about the purpose of the inlet to which Mr. Nusser said it is to help collect water as it flows across the site. Mr. Ordile said some of the inlets are under the containers. Mr. Nusser said there is space between the containers and they would not cover an inlet. Mr. Stoner asked that no containers cover the inlets. Mr. Ordile asked about the pipe that connects the inlets and why the water direction was changed. Mr. Nusser said the stormwater design had changed and felt this worked better. There was a discussion on the basin near Stickles Pond. Mr. Ordile asked about the direction of the water flow. Mr. Stoner said he asked for more information of the efficiency of the inlets. Mr. Ordile asked what the septic field capacity was designed to support to which Mr. Nusser said it is designed by the square footage of the building. Mr. Stoner said the septic system is approved by the Sussex County Health Department. Mr. Ordile asked how the basins are constructed. Mr. Nusser said sheet 26 of the plan set shows the construction detail and explained the construction to the Board. There was a discussion on the Stormwater Management Plan. Mr. Nusser explained the Stormwater maintenance to the Board. Mr. Ordile asked where the runoff from the building goes. Mr. Nusser said it is directed towards the smaller basin in the southern part of the property. Mr. Ordile asked for plans on the building. Mr. Thomas said he has asked his client to provide that and they still have not done so.

Mr. Ordile asked what the primary goal of the landscape plan was. Mr. Nusser said it was to screen the view of the storage areas from the road. Mr. Ordile asked about the evergreens, which were added. Mr. Nusser explained that the storage area had changed so they relocated the landscaping. There was a discussion on the landscaping. Mr. Ordile asked why the screening was planted in front of the retaining wall. Mr. Stoner suggested the landscaping be modified in the field to which Mr. Thomas said they had already agreed to that.

Mr. Stoner asked about the proposed lighting. Mr. Thomas said the plan has gone through a series of changes mostly based on suggestions by the Board and public and said these kinds of inconsistencies do occur and the plans will have a final revision.

Mr. Molica said the hearing would be carried to August 16, 2022 at 7:30pm in the municipal building without further notice.

Mr. Thomas said the applicant has reached out to a hydrogeologist to do a report for the Board's review. Mr. Messerschmidt said the Board at the request of the Environmental Commission wanted to hire a hydrogeologist to determine the mapping of the existing aquifers. He said the hydrogeologist would not dig or monitor anything. The Board would then determine if they want to engage their own hydrogeologist to review the applicant's submission.

Ms. Durkin said the Board adopted a resolution to retain a hydrogeologist. Mr. Molica said a motion was made and no formal resolution memorialized. Ms. Durkin felt the Board should

hire their own hydrogeologist. Mr. Messerschmidt said the Board has the right to hold off on hiring a hydrogeologist, which would be the same procedure they took with the environmentalist. Mr. Messerschmidt said all they are looking for is if there are aquifers, what direction they are flowing and how deep they are. He felt the Board does not need to spend the applicant's money if their report answers the Board's concerns. Ms. Durkin expressed a concern with the Board holding off on hiring an expert. Mr. Messerschmidt said Ms. Durkin's clients could hire their own expert if the Board does not hire one. He said the Board decides what they want to do at this point.

A motion to stay with the prior motion that the Board would hire their own hydrogeologist and reject the proposal from the applicant was made by Mr. Tolerico and seconded by Mr. O'Connell. Roll Call: John O'Connell – no, Richard Skewes – no, Joseph Ordile – no, Joseph Tolerico – yes, Paul Messerschmidt – no. Motion failed.

A motion to accept the applicant's recommendation to hire their own hydrogeologist to submit a report, which would be reviewed by Board Engineer and then the Board, would decide if it wanted to proceed with hiring its own hydrogeologist was made by Mr. Skewes and seconded by Mr. O'Connell. Roll Call: John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – no, Paul Messerschmidt – yes. Motion carried.

Mr. Messerschmidt said Mr. Thomas and Mr. Molica would work on the list of stipulations so it would be ready for the next meeting.

**ORDINANCES:** None.

**OLD BUSINESS:**

1.) Live Stream

The Board agreed to carry the matter to a meeting where Mr. Brigliadoro is present.

**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

The Board agreed to carry the liaison reports to the next meeting.

**VOUCHERS:**



<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,408.00	Applicant's Escrow
Weiner Law Group	Legal	\$288.00	Legal Budget
Weiner Law Group	Redevelopment Study	\$128.00	Redevelopment Escrow
Weiner Law Group	McDonald, Robert	\$880.00	Applicant' Escrow
Weiner Law Group	Always Comfy	\$1,088.00	Applicant's Escrow
Weiner Law Group	Sweeney, Cheryl	\$560.00	Applicant's Escrow

A motion to pay the bills as amended was made by Mr. O'Connell and seconded by Mr. Ordile.  
Roll Call: John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – 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, 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.

Mr. Wayne Grenewicz II of 4 Kilroy Road, Andover, NJ asked if the Highway Commercial zone allows for multiple businesses on one site, or does it need a variance. Mr. Grenewicz asked if there are two existing commercial buildings on one property could they be two different businesses. He said the buildings are currently dwellings. Mr. Stoner said there would be two principal uses, which would require a site plan approval. Mr. Grenewicz said he found a site plan for a complaint he had filed. Mr. Grenewicz said Mr. Mosner's property is zoned as one business, with an office, a storage facility for vehicles and equipment. Mr. Stoner said the complaint he received had none of this information. Mr. Messerschmidt said this is not within the jurisdiction of the Board.

**UPCOMING MEETINGS:** August 2, 2022, August 16, 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