



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
September 20, 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 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.

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
Krista Gilchrist - Present
Paul Messerschmidt – Present

Also Present:

Thomas Molica, Esq.
Matthew Morris, PP
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: July 19, 2022, August 2, 2022

A motion to approve the minutes of the July 19, 2022 meeting with the noted correction was made by Mr. Tolerico and seconded by Mr. Ordile. Roll Call: Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

A motion to approve the minutes of the August 2, 2022 meeting with the noted correction was made by Ms. Howell and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion carried.

RESOLUTIONS:

1.) Township of Andover Land Use Board appointing Jessica Caldwell, P.P., A.I.C.P., LEED GA of J. Caldwell Associates, LLC to prepare a preliminary investigation study, to appear at a public hearing and to comply with all of the requirements of the Local Redevelopment and Housing Law pursuant to N.J.S.A. 40A:12A-1 ET. Seq.

Mr. Messerschmidt said the Township Committee had sent a resolution to the Land Use Board requesting the Board conduct a redevelopment study of the property located at Block 108, Lot 1.05.

A motion to approve the resolution to appoint Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell Associates, LL to prepare a preliminary investigation study of the proposed area in need of redevelopment was made by Mr. Skewes and seconded by Mr. Tolerico. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – abstain, Joseph Tolerico – yes, Krista Gilchrist – 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 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. was representing the applicant. Mr. Thomas noted that there is no exhibit A-31 due to a numbering issue and is therefore intentionally omitted.

Mr. Thomas Molica swore in Mr. Michael Kovacs, senior vice-president of EcolSciences Inc. located at 75 Fleetwood Drive, Rockaway, NJ. Mr. Kovacs gave his educational and professional background and was accepted by the Board as an expert environmental scientist. Mr. Thomas presented Mr. Kovacs' resume which was marked and entered as exhibit A-33.

Mr. Kovacs presented his report entitled Ecological Resources Inventory and Impact Report, Proposed BHT Development, Block 151, Lot 21, Andover Township, Sussex County, New Jersey which was marked and entered as exhibit A-34.

Mr. Kovacs said he was hired by BHT Properties Group to review the ecological resources of the project site and assess the impacts to those resources as a result of the proposed project. He said he reviewed background information and conducted vegetation and field surveys. He said they visited the site on six different days during the spring migration and breeding of birds.

Mr. Kovacs said his report is an inventory of the site and the assessment of the impact to the resources on the site.

Mr. Kovacs presented an aerial view of the project site dated 2020 which was appendix A of his report. He explained the site to the Board. He said it is along the Pequest River with a paved runway and grassy areas. He said there are hardwood forests and scattered wetlands throughout the site along with rock outcrops and steep slopes, an abandoned building and former airport structures along the wood line. He reviewed historical aerial photos of the site, which showed the site had been farmed. He gave a brief history of the property. He said the grassy areas are hayed.

Mr. Kovacs said they identified five communities of vegetation; mixed hardwood forest, successional woodland, palustrine forested wetlands, palustrine scrub wetlands and maintained fields. He explained the areas and the coverage of the site. He said the report identifies all of the species on the site and identifies the invasive species. He said he did not see any rare plant species on the site. He felt they got most of the species on the site.

Mr. Kovacs said they did wildlife studies and explained the process to the Board. They observed 79 species on the site and most are secure and stable species in New Jersey. He said they did observe one endangered species, which was the red shoulder hawk, which they heard off site but did not see. He listed the wildlife of special concern that were observed on the site or were flying overhead.

Mr. Kovacs explained the landscape project mapping. He explained the reports from the Natural Heritage Priority Sites. He explained the mapped habitat of the species and the mapping process to the Board. He said the mapping identifies the area is suitable for habitat and does not mean the habitats were observed on the property. He explained how the roads stop the mapping of the habitat. He explained a few of the species that had habitat mapping on or near the site and the foraging habitat models. Mr. Kovacs explained various species and their habitat areas to the Board. He went over the Natural Heritage Priority Sites with the Board and explained the database they use. He explained the wetlands that are on the property and said the invasive species prevent the native species from growing or being re-established on the site.

Mr. Kovacs presented the N.J.D.E.P. Wetlands Existing Conditions Plan Overall Site report, dated 1-26-21, sheet 1 of 6, which was marked and entered as exhibit A-35.

The Board took an eight-minute break.

Mr. Kovacs said the next ecological component of the site is the wetlands, which he explained to the Board. He explained how a wetland boundary is delineated. He said a delineation should be able to be done at any time of the year except during a drought or if the ground is frozen and this is acceptable by the D.E.P. He said a wet time of the year could create a false positive for wetlands. He explained that the soils below the water determine if the area is a wetland. Mr. Kovacs explained each of the wetlands and the transition areas on the site to the Board. He said E&LP Engineering submitted a flood hazard verification to the D.E.P. on February 25, 2021 and the D.E.P. has approved the limits identified by E&LP. He explained the vernal pools on the site. He explained the species and their habitats observed in the vernal pools and surrounding areas. He said the vernal pool is situated between the runway and the steep slopes.

Mr. Kovacs presented a photograph of a vernal pool taken May 5, 2022 facing northeast which was marked and entered as exhibit A-36.

Mr. Kovacs presented a photo taken into the water of the vernal pool taken on May 5, 2022, which was marked and entered as exhibit A-37.

Mr. Kovacs explained the photos to the Board. He said the vernal pool was not clear and had extensive algae growth. Mr. Kovacs gave detailed information on the bog turtle and their habitat. He said there is no suitable bog turtle habitat on the site.

Mr. Kovacs gave a brief overview of the proposed construction of the site. He noted the impacted areas of the site and said based upon their evaluation and assessment the loss of the communities is not significant because they are not unique, invasive and non-native plants dominate the communities and these habitats are generally common within the region. He explained the woodland areas. He said all of the wetlands except wetland A would be avoided by the project and explained the riparian zone and wetland buffers. He said there would be some impacts to the transition area, which would have to be permitted by the D.E.P. He explained wildlife sightings and habitat areas adjacent to the site. Mr. Kovacs explained how they concluded there would be no significant impact to wildlife on the site.

Mr. Kovacs said the D.E.P. is reviewing the project impacts relative to wetland impacts and threatened and endangered species in accordance with their regulations. He said they would also be reviewing stormwater management to make sure the regulations are in compliance. The Federal Fish and Wildlife has reviewed the project and issued their no potential to affect conditions. He said this project, relative to ecological resources is under their review.

Mr. Messerschmidt said the Board was waiting for comments from Equity Environmental, as well as, the Andover Township Environmental Commission. He suggested the Board hold off on questions until those reports are received.

Mr. Morris asked for clarification on the potential mapping from the report. Mr. Kovacs said the D.E.P. has models for each of the species and they have habitats that are critical to those species and they were able to use those models to map potential habitats in the area. He explained the D.E.P. G.I.S. mapping. Mr. Morris asked if the D.E.P. would place some regulatory requirements on the development because it is on a site that has a vernal habitat. Mr. Kovacs said the D.E.P. allows averaging around the transition area of the vernal pool. Mr. Morris asked about the species that have to use the vernal pool and asked about their range. Mr. Kovacs said these species have ranges that exceed 1,000 feet. Mr. Morris asked if topography limits the range for the species from the vernal pool to which Mr. Kovacs said it could affect their ability to disperse from the pool. Mr. Morris asked if Mr. Kovacs looked at the operational impacts that could affect the species on the site to which Mr. Kovacs said he did not evaluate that. Mr. Morris asked if a spill were not responded to quickly, could it affect the vernal pool. Mr. Kovacs said he did not believe it would since the area slopes away from the vernal pool. Mr. Morris asked about the effects of noise and air quality. Mr. Thomas said if they receive an approval, they would do testing for noise and air quality.

Mr. Molica said he was not available for the scheduled hearing on October 18, 2022. Mr. Messerschmidt said the Board would need to vote on a special meeting for October 25, 2022.

A motion to add a special meeting on October 25, 2022 for the BHT Properties Hearing was made by Mr. Skewes and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – abstain, Joseph Tolerico – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

Mr. Messerschmidt announced the hearing for BHT Properties Group would be carried to October 25, 2022 without further notice to the surrounding property owners. Mr. Molica said the Board would publish a special meeting notice.

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

The Board agreed to table the liaison reports.

Mr. Ordile said the Township Committee appointed Pellow Associates to do a Master Plan Re-Exam. There was a brief discussion on a sub-committee for the Master Plan Re-Exam.

VOUCHERS:

Company	Purpose	Amount	Paid By
Harold Pellow & Associates	Sweeney, Cheryl	\$33.75	Applicant's Escrow
Harold Pellow & Associates	McDonald, Robert	\$67.50	Applicant's Escrow
Harold Pellow & Associates	Always Comfy	\$666.25	Applicant's Escrow
Harold Pellow & Associates	Always Comfy	\$67.50	Applicant's Escrow
Harold Pellow & Associates	Engineering	\$52.25	Engineering Budget
Harold Pellow & Associates	Ballantine Woods	\$135.00	Applicant's Escrow
Weiner Law Group	Legal	\$384.00	Legal Budget
Weiner Law Group	Larick, John	\$384.00	Applicant's Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$2,720.00	Applicant's Escrow

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

CORRESPONDENCE:

- 1.) From: Sussex County Department of Engineering & Planning
Re: Preliminary Site Plan Application – John Larick, Block 151, Lot 19

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 remaining, the meeting was closed to the public.

UPCOMING MEETINGS: October 4, 2022, October 18, 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. Tolerico and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator