



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
February 21, 2023
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.

ROLL CALL:

Eric Karr - Excused
Eric Olsen – Excused
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Excused
Richard Skewes – Present
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan - Excused
Paul Messerschmidt – Present

Also Present:

Thomas Molica, Esq.
Cory Stoner, PE
Matthew Morris, PP

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: January 31, 2023, February 7, 2023

A motion to approve the minutes of the January 31, 2023 meeting with the noted correction was made by Ms. Howell and seconded by Mr. Skewes. Roll Call: Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

A motion to approve the minutes of the February 7, 2023 meeting with the noted corrections was made by Ms. Gilchrist and seconded by Ms. Howell. Roll Call: Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes. Motion carried.

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 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. The application was amended for a minor subdivision to comply with the request of the State Historic Preservation Office (SHPO) which requested that the buildings on the site not be removed.

Mr. Thomas said they were prepared to present testimony from the applicant's hydrogeologist, Mr. Frank Getchell.

Mr. Molica swore in Mr. Frank Getchell. Mr. Getchell gave his qualifications, which were accepted by the Board.

Ms. Durkin asked if Mr. Getchell had been retained by Andover Township to conduct any work on their behalf. Mr. Getchell said he did not recall. Ms. Durkin asked if Mr. Getchell had done any work on the subject property before to which he said no. Ms. Durkin asked if Mr. Getchell had been contacted by any member of the Board in regards to this application to which he said no.

Mr. Getchell said he prepared a report dated December 19, 2022, which was marked and entered as exhibit A-45. Mr. Getchell said he was asked to review available information and render opinions regarding the proposed use of the property relative to impacts on the local groundwater resources. He said he reviewed the documents in his reference list as well as material that were available from the New Jersey Geological Survey and the New Jersey D.E.P. He said he had reviewed the proposed site plans. He described the property and said it was his understanding it was 98 acres in total area; it is currently occupied by an abandoned airstrip, and has some structures on it. He said it was his understanding that at one time it was farmland. Mr. Getchell said there are some wetlands, some fields, and the south shore of Stickles Pond. He said he did an evaluation of the site from a hydrogeological viewpoint. He explained that hydrogeology's foundation is geology. He reviewed available information to get an understanding of the underlying geology and how it influences or is influenced by groundwater. He said he looked at well records, GIS based mapping and other reports available from the N.J.D.E.P. He said getting current well records is very difficult and explained the aquifers in the area. He said the site is underlying by two productive aquifers and there are several public supply wells to the northwest of the site. He said the aquifers are capable of hundreds of gallons per minute. He said stormwater is proposed to be infiltrated back into the aquifers. He felt that the site as proposed would not result in a loss or deficit of groundwater recharge.

Mr. Getchell noted a correction to the amount of rainfall in his report. He explained the significance of the rainfall amount. He said based on quantity, there would not be an impact on the surrounding wells because even if the stormwater management did not result in a net increase of groundwater recharge, there is sufficient recharge to the aquifer. He said that the stormwater management technics proposed would increase the recharge. He explained the public supply wells and the groundwater flow. He said based on the local topography, the Pequest River and some of the other surface water bodies; which are all flowing in a south, southwest direction; it is anticipated the groundwater would be traveling in that same direction.

Mr. Getchell said it was his understanding that the containers would have pipe and fence stored in them. He said assuming the containers are secured and in proper condition, they would not have an impact on the quality of the water or the surrounding wells. He said the pipe is inert. He said the aggregate storage bins would not have an adverse impact on the public supply wells as long as the material stored in them was a natural product. He said there are several wetlands on the site, which are surrounded by naturally occurring mulch.

Mr. Getchell said he evaluated the proposed equipment and it was his understanding the equipment would not be serviced or maintained there. He said it was his understanding that a spill prevention plan had been put together which would address the condition of the equipment and puts forth a plan to respond. He said there was a remediation plan in the spill

prevention plan. He explained the impact of a spill on groundwater and the surrounding area. He said a spill would have to go down about 8 to 10 feet to get to the groundwater. He said hydraulic fluid would not travel as fast because of the viscosity of it. He said as these types of petroleum hydrocarbons go into the ground, they would be subject to some deterioration and some fraction and dilution. He said the fluid would take days before it would hit the aquifer since there are layers of silt and clay and the ground would be compacted and slow the material down. He felt there would be time to intercept the spill before it gets down to the aquifer. He explained the sand and bedrock in the area and there are microbes in the soil that would breakdown the material. He explained that peat and soil would also absorb the spill.

Mr. Getchell said there could be a potential impact from the previous uses of farming and the airstrip.

Mr. Stoner asked about the upgrading of the underground water flow and the potential of contamination of the wells along Stickles Pond Road. Mr. Getchell said the groundwater would not flow towards those wells. He explained the groundwater elevation. He explained cross gradient and said the river is a hydrogeological barrier. Mr. Stoner asked how long it would take a contaminant to get to the Pequest. Mr. Getchell said based on the volume and where it goes; it could take days to weeks to get to the Pequest. Mr. Stoner asked if monitoring wells could be installed. Mr. Getchell said they would need to be installed prior to development to obtain a baseline. He said in lieu of the monitoring wells, if there was a spill they could use a geo-probe rig that could sample the area. Mr. Stoner asked about the limestone and carbonite conditions in the area. Mr. Getchell explained the carbonite area on the map. Mr. Stoner asked about point loading. Mr. Getchell said there are two areas where they found bedrock 6 feet from grade. He said the site is basically sand and gravel.

Ms. Gilchrist asked about the two wells on the property. Mr. Getchell said the wells are based on a mapping from the 1970s and he felt one of the wells was no longer there. Ms. Gilchrist asked if the well was no longer in use, would it be his recommendation to cap the well. He said if the well is not being used, the well should be abandoned. Ms. Gilchrist asked if the surrounding residential wells would be impacted by the proposed use. Mr. Getchell said no based on the groundwater flow direction. Ms. Gilchrist asked if the physical structure of the containers divert the flow of the surface water or inhibit recharge into the groundwater. Mr. Getchell said that was taken into account when the stormwater calculations were done.

Mr. Messerschmidt asked if Mr. Getchell had ever done work for the D.E.P. or the E.P.A. Mr. Getchell said he has done work on superfund projects but not hired by the State or Federal government. He said he has developed remediation plans. Mr. Messerschmidt asked if a spill containment protection could be put in the area where the construction equipment would be parked. Mr. Getchell said they could install a liner. Mr. Messerschmidt asked if that would be a recommendation. Mr. Getchell said it would be a measure of protection and would not be out

of the question. Mr. Stoner suggested an asphalt area for parking. Mr. Messerschmidt asked if Mr. Getchell reviewed, the report from Langan Engineering dated November 5, 2020, which spoke about a remediation of a kerosene tank leak to which Mr. Getchell said no. Mr. Messerschmidt expressed a concern about any potential hazardous materials that are currently in the ground. Mr. Messerschmidt asked if groundwater is a stream or water like a river or is it water percolating through the ground. Mr. Getchell explained groundwater and its movement to the Board. Mr. Messerschmidt asked about the construction of a well. Mr. Getchell explained that every well has 50 feet of casing and then either a screen or an open hole in the bedrock. Mr. Messerschmidt asked if there would need to be a spill of at least 50 gallons to have an impact on surrounding wells to which Mr. Getchell agreed. Mr. Getchell said the spill prevention plan requires any release of a contaminate would be reported. Mr. Messerschmidt asked if there are pesticides or dyes in the mulch. Mr. Getchell said it would depend on what is being stored.

The Board took an eight-minute break.

Mr. Ordile asked if Mr. Getchell had reviewed the stormwater management report to which he said he looked at it with respect to the impact on groundwater recharge. Mr. Ordile asked about the basin near Stickles Pond Road. Mr. Getchell said the water percolates down in the basin. Mr. Ordile asked where the water for the residential wells was coming from. Mr. Getchell said as far as he could tell, they were bedrock wells. Mr. Ordile asked for the direction of the water flow from the basin. Mr. Getchell said it would depend on the fractures. Mr. Ordile asked if the water in the basin would stay on the property. Mr. Getchell explained that some of it could and explained how that would happen. Mr. Ordile asked about the residential wells further down Stickles Pond Road. Mr. Stoner explained stormwater mounding analysis. Mr. Getchell explained the water flow with the stormwater mounding. He said this would take place in the sand and gravel and the residential wells are in the bedrock. Mr. Ordile asked what "overburden" meant. Mr. Getchell explained the term and how geologists use it. Mr. Ordile asked for clarification in parts of Mr. Getchell's report. Mr. Ordile asked about the till. Mr. Getchell explained what "till" is and how it formed. Mr. Ordile asked about the references in Mr. Getchell's report. Mr. Ordile asked about the Pequest basin to which Mr. Getchell explained it to the Board.

Ms. Durkin, attorney for the objectors, asked if Mr. Getchell was a hydrogeologist and if he studies the way the groundwater travels through the soil and rock to which he said yes. Ms. Durkin asked what Mr. Getchell was tasked with to which he said he was tasked to look at the groundwater resources and the local hydrogeology relative to the proposed development. Ms. Durkin questioned Mr. Getchell about the references in his report and asked if he was going to revise his report to include other references he had looked at to which he said no. He said the other information might not have been as relevant. Ms. Durkin asked about the six documents listed in the reference and asked if the applicant provided them to Mr. Getchell or if he

obtained them from the Township's website. Mr. Getchell said they were provided to him by the applicant. Ms. Durkin asked if there were any other documents the applicant provided to him. Mr. Getchell said he recalled there were several revisions to site plans provided to him from the applicant's engineer. Ms. Durkin asked if Mr. Getchell had reviewed the report from Equity Environmental Engineering to which he said no. Ms. Durkin said a big part of the Equity Environmental reports were the deficiencies in the E.I.S. and other reports submitted to the Board. Mr. Getchell said he was not tasked to critique the applicant's other experts. Ms. Durkin asked if Mr. Getchell had visited the site. Mr. Getchell said someone from his company visited the site and he did have photos. Ms. Durkin asked if Mr. Getchell had done any water level analysis. Mr. Getchell said in order to do that there would need to be wells. Ms. Durkin asked if Mr. Getchell conducted any water quality reports to which he said no. Ms. Durkin asked if Mr. Getchell reviewed the transcripts that are on the Township's website or if he had listened to any of the engineering testimony to which he said no. Ms. Durkin asked with respect to the stormwater management report, if Mr. Getchell had reviewed any of the database directly with the D.E.P. Mr. Getchell said he looked at the GSR32 output, which he is familiar with and everything seemed to be correct and had no reason to doubt it. Ms. Durkin asked if Mr. Getchell had reviewed any documentation submitted by the applicant to the D.E.P. to which Mr. Getchell said no. Ms. Durkin asked if Mr. Getchell reviewed the number of shipping containers to which Mr. Getchell said he reviewed the site plan. Ms. Durkin asked Mr. Getchell if he was aware that a shipping container could have toxic materials in its construction to which Mr. Getchell said he had never heard of that. Ms. Durkin asked if Mr. Getchell was aware that the floorboards of a shipping container might have certain toxic or chemicals in it. Mr. Thomas objected to the question as speculative. Mr. Getchell said that would depend on the specific situation. Ms. Durkin asked about the proposed uses on the site. Mr. Getchell said it was his understanding that there would be shipping containers that have construction material such as pipes, valves and such, there will be equipment; assuming dump trucks, graders and that type of equipment, there will be bins containing gravel, mulch and there will be an office building. Ms. Durkin asked Mr. Getchell if it was his opinion that this project would not have any negative impact on the groundwater to which Mr. Getchell said yes. Ms. Durkin asked if he came to that opinion solely based on the documentation submitted to him by the applicant. Mr. Getchell said that was not true. He said he relied on those documents to provide him with background information. He said he used his own professional judgement and looked at other resources and based on his experience that was his conclusion. Ms. Durkin asked what other resources Mr. Getchell relied on to which he said topographical maps, aerial photos, soil type and materials that indicate how the groundwater would flow. He explained the GIS mapping is based on State mapping and the wellhead protection areas, which is information he had and was not given to him. Ms. Durkin had no further questions of Mr. Getchell.

Mr. Messerschmidt opened the meeting to the public for questions of Mr. Getchell.

Mr. Ray Wexler of 121 Andover Sparta Rd., Andover, NJ asked how the 50 trucks per day traversing the site would affect the groundwater and asked if there would be lateral movement of pollutants into the neighboring wells. Mr. Thomas said there was a stipulation made that on two occasions per month there would be 75 trucks per day and the rest of the time, it would be dramatically less at about 25 or 30 trucks per day. Mr. Getchell said they would be treated like the other equipment on site. He said it is similar to a quarry since quarries have many trucks come and go and he said it is rare anything happens. Mr. Getchell said it is highly unlikely an incident on the site would make its way across Stickles Pond Road. He said it depends on where it is and the amount that is captured in the stormwater management system, how much infiltrates into the ground and how long it takes to respond to the accident.

Mr. Ken Best, 305 Stickles Pond Road, Andover, NJ asked if this site is unique or does it compare to other sites Mr. Getchell has worked on. Mr. Getchell said the Limecrest Quarry in Andover is similar with limestone, a lot of equipment and water at the surface. Mr. Best asked if there should be an oil separator in the stormwater system. Mr. Getchell said there could be something put in place.

Mr. Al Bills of 15 Springdale Garden Road, Andover, NJ asked what Mr. Getchell meant when he said there would be no problem with the containers so long as they were secured. Mr. Getchell said so long as the containers are secured so water cannot get into them.

Ms. Alice Romano of 36 Michael Court, Andover, NJ asked when the last time the Pequest had overflowed. Mr. Getchell said he did not know. He said the applicant did a flood hazard map that would address that. Mr. Stoner said the site proper was not inside the flood zone. Ms. Romano asked if the Pequest River goes through the quarry. Mr. Getchell said the headwaters are just further up from the quarry. He said Limecrest discharges into the Paulinskill. Ms. Romano asked if the containers got wet, would the paint cause a contaminant. Mr. Getchell said the paints on them are inert and the containers are made for ocean travel. Mr. Getchell said water should not get into them since they are made for ocean travel.

Mr. Neil Hubbard of 12 Caitlyn Court, Andover, NJ asked about absorbent material under the equipment for a possible leak. Mr. Getchell said he has seen it used but not for equipment storage.

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

Mr. Getchell said it was his understanding the equipment would be on gravel and that gravel would be compacted however; even though it is called impervious; water would not sit on top of it and would seep down.

Ms. Howell asked about an updated list of stipulations. There was a discussion on updating the list. Mr. Thomas agreed to supply the Board with an updated list.

Mr. Messerschmidt said the hearing was concluded for the evening and the BHT hearing would continue on March 21, 2023 at 7:30pm in the municipal building without further notice.

Mr. Molica left the meeting.

ORDINANCES: None.

OLD BUSINESS:

Mr. Ordile said he had not received any comments on the draft Master Plan. Mr. Stoner explained the next step in the process.

NEW BUSINESS: None.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$1,264.00	Budget
Weiner Law Group	Redevelopment - 1045 Limecrest	\$64.00	Applicant's Escrow
Weiner Law Group	Redevelopment – Nursing Home	\$528.00	Applicant's Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,160.00	Applicant's Escrow

A motion to pay the bills was made by Ms. Howell and seconded by Ms. Gilchrist. Roll Call: Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – 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. Please come forward when recognized and state your name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. 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: March 7, 2023, March 21, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Administrator