



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
March 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 – Present
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Excused
Richard Skewes – Present
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan - Present
Paul Messerschmidt – Present

Also Present:

Richard Schneider, Esq.
Cory Stoner, PE
Matthew Morris, PP

Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: March 7, 2023

A motion to approve the minutes of the March 7, 2023 meeting with the noted correction was made by Ms. Howell and seconded by Mr. Olsen. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Richard Skewes – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – 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, Esq. was representing the applicant. He said he had submitted a copy of Mr. Getchell’s resume, which was marked and entered as exhibit A-46. He said they submitted revised maps in accordance with the Board’s request and that Mr. Nusser will testify to them. He said the maps had been submitted to the Board and are known as “Revised Maps Sheets 1 through 28 with a revision date of March 10, 2023 and which were marked and entered as exhibit A-47. Mr. Thomas said he had submitted to the Board an updated list of stipulations with a date of March 8, 2023, which was marked and entered as exhibit A-48.

Mr. Richard Schneider said he was filling in for Mr. Molica. He took no issue with marking the exhibits.

Ms. Durkin, attorney for the objectors, said she circulated a list of the exhibits to Mr. Thomas and the Board Secretary. Mr. Messerschmidt suggested Mr. Thomas verify the list against his list of exhibits. Mr. Schneider agreed.

Mr. Nusser, who was still under oath, said the plans were revised with a revision date of March 10, 2023. Mr. Stoner noted the plans had a new engineer’s signature on them. Mr. Nusser said

someone else had taken over signing the plans, which were originally signed by Mr. Ingraham, since Mr. Ingraham was no longer at E&LP. Mr. Thomas said none of the modifications to the plans were inconsistent with the stipulations and the plan modifications don't reflect all of the stipulations.

Mr. Nusser went over the revisions and said the signage was updated, parking signs along Stickles Pond Road were added, and there were revisions to the landscaping plan, which shows added landscaping along the roadway and the entrance. The parking lot was reduced to 25 parking spaces. He said the notes were updated for the aggregate area and the noise testing. He said other updates included the stipulation that no asphalt millings would be stored onsite, the maximum truck size and truck trips, the equipment stored in the equipment storage area would have a maximum height of 15 feet, all containers on site would be a similar shade of brown, night vision cameras would be used onsite, no salt used except for parking areas, sidewalks and driveways. He said all legends and hash marks were corrected and consistent on all pages, modifications of the area east of the proposed building were updated, the inlets in the container areas were adjusted to show the containers were not on top of the inlets, the inlets were shifted outside of the storage bin area and into the aisles. Mr. Stoner said the swale does not line up with the aggregate area to which Mr. Nusser said he would adjust that. There was a discussion on the aggregate area. Mr. Nusser explained the split rail fence with the mesh and the gates and said the detail for that is on the plans. Mr. Nusser said the site identification sign was adjusted as well as the detail for that sign. He said the gravel pavement detail and gravel driveway detail were updated. The equipment storage area will have a plastic barrier liner placed there for spills. He said notes were added to the block wall detail, he added the fence to the top of the wall, added the existing gate for emergency access to the plans, updated the planting heights and planting schedule, and updated the lighting plan. He said they added a small portion of retaining wall to the south side of the basin along the road.

Mr. Stoner asked for clarification on the hatching for the gravel areas. Mr. Nusser clarified which areas would be gravel and which would be millings. Mr. Stoner asked about the solid fence shown on the plans. Mr. Nusser said it was added because of a safety concern. Mr. Ordile said there was discussion on that fence and it was an eight-foot fence on top of a four-foot retaining wall and would require a variance. There was a discussion on the wall and fence.

Ms. Gilchrist asked about the existing well locations to which Mr. Nusser said he was not aware of their location and if they were still operational. Mr. Thomas said they would be in the subdivided area. Ms. Gilchrist asked about the trucks accessing the site and the length of the trailers. Mr. Thomas said they stipulated to trucks no larger than the WB-50. Mr. Nusser said that size includes the truck and the trailer. Ms. Gilchrist felt that was only pertaining to the trailer. There was a discussion on the size of the trucks, trailers and containers and the measurement of the trucks; wheelbase-to-wheelbase. Mr. Nusser said the WB-50 is a typical tractor-trailer.

Mr. Olsen asked about the supplemental planting notes and asked when the planting would take place. Mr. Nusser said the Board Engineer would come out twice; once during construction and once after construction is complete. Mr. Stoner said it would be part of the resolution compliance and they would not get a Certificate of Occupancy until he is satisfied and signs off on the project. Mr. Olsen asked if the reference to the number of pieces of equipment was the total number to which Mr. Nusser said yes. Mr. Olsen asked about the maintenance of the basins. Mr. Nusser said there is a separate Operation and Maintenance Plan that outlines the maintenance of the basins and explained the types of issues it would address. Mr. Stoner explained it is deed filed and requested as a condition of an approval that the applicant file an annual inspection report as required by Township ordinances.

Mr. Messerschmidt asked about the size of the plastic liner in the equipment storage area. Mr. Nusser said the limits of it would be below the equipment storage area. He said the thickness of the barrier has not been determined yet and he would discuss that with Mr. Getchell. There was a discussion on the size of the construction equipment area. Mr. Nusser said it would be under the 2.96 acres of the site. Mr. Messerschmidt asked about the truck circulation plan. Mr. Nusser said the plan was to show the truck circulation however, no trucks would make a left onto Stickles Pond Road. There was a discussion on the truck circulation. Mr. Nusser said the plan shows that emergency equipment could make the movement into the site from the Newton Sparta Road direction. He said he could remove the truck depicted on the plans.

Mr. Stoner asked if the subdivision plans would be pulled into the site plan plan-set. Mr. Thomas said they could do that. Mr. Schneider said there was no issue with it being a separate plan set.

Mr. Ordile asked why the stone wall outside of the subdivision was numbered to which Mr. Nusser said because it was an item numbered in the archeologist's report and they were asked to number what was in that report. Mr. Ordile asked for the location of structure number 9. Mr. Nusser said that was in the report but not necessarily on the plans. There was a discussion on the numbering of the structures on the subdivision plan. Mr. Ordile asked what is being done with the airplane on the site. Mr. Thomas said he never noticed the plane and would discuss it with his client.

Mr. Ordile asked for clarification on some of the revisions made to the updated site plan. Mr. Stoner said the zoning tables needed to be updated. Mr. Ordile asked how the aggregates bins would be covered. Mr. Nusser said they would be covered with traps. Mr. Stoner felt that was not necessary and the zoning officer would have to inspect them. There was a discussion on how the tarp covering would be enforced and the need for the tarps in regards to dust control.

The Board took a 10-minute break.

Mr. Ordile asked if salt would be used on the runway. Mr. Nusser said no. Mr. Ordile said the parking had been reduced from 40 down to 25 spaces with three of those spaces designated as ADA compliant and with a stipulation of a maximum of 25 employees asked if, this would be a problem. Mr. Thomas said they would increase the parking to where it was before and expressed frustration in trying to accommodate the Board's concerns and then being told that they need more parking. There was a discussion on the number of proposed employees and the number of parking spaces needed.

Mr. Ordile questioned where the "No Truck Parking" signs were proposed. Mr. Nusser explained the sign locations. Mr. Stoner suggested the signs be placed on both sides of the road and the applicant would have to request permission for the Township Committee for that placement. Mr. Ordile asked about the condition of the existing gate and access road. Mr. Nusser said if it is not in a useable condition for emergency access, then it would need to be repaired. Mr. Ordile asked for clarification on the containers located in the area of the inlets. Mr. Nusser said there is a note that the inlets could not be blocked. Mr. Ordile asked about the elevations. Mr. Nusser explained where the existing and proposed elevations are on the map. Mr. Ordile asked for clarification on the driver sight lines to which Mr. Nusser said they are for a car. Mr. Ordile asked for clarification on various items on the plan set. There was a discussion on the limit of disturbance and steep slopes. Mr. Ordile asked for a detail on the solid fence. There was a discussion on the proposed fencing. There was a discussion on the runway. Mr. Stoner suggested the runway be ascertained to see if it needs repairs.

Mr. Ordile asked if they were proposing electric charging stations on site to which Mr. Nusser said as required by law. Mr. Ordile asked if they were proposing a generator on site to which Mr. Nusser said no.

Mr. Thomas gave a schedule of the remaining witnesses and asked the Board to consider having a special meeting on the fifth Tuesday in May.

Mr. Morris asked for an update on the status of the D.E.P. permit. Mr. Nusser said he had a meeting with the department who said they would be out in early April to view the wetland lines so they can get an L.O.I. He said the D.E.P. has the current plans.

Mr. Stoner expressed some issues with the steep slope numbers and asked Mr. Nusser to look at those since they seemed high. He said if the numbers are correct, the applicant would need variances for them. Mr. Stoner asked for a detail on the liner under the equipment storage area. Mr. Stoner questioned the clean stone area to which Mr. Nusser will look at that.

Ms. Durkin, attorney for the objectors, questioned Mr. Nusser about the signatures on the revised plans. Ms. Durkin asked why Mr. Nusser did not sign the plans. Mr. Nusser said his

relationship to E&LP has changed and he is now a consultant to them and not a full-time employee. He said a regular full-time employee is signing the plans. He said he would continue to consult on this project. Ms. Durkin continued to question Mr. Nusser on his role with E&LP and asked why Mr. Benedetto was not present to testify on the plans. Mr. Nusser said he was retained to continue to testify for consistency. Ms. Durkin felt a licensed engineer who prepared the plans should be the person testifying. Ms. Durkin asked where proposed lot 21.01 was shown in the plan set. Mr. Nusser indicated where the lot was in the plan set. Ms. Durkin questioned Mr. Nusser about the proposed subdivision and felt the subdivision plan set should be contained in the overall plan set since it was an amended application. Ms. Durkin asked Mr. Nusser if he would continue to be involved in the preparing the plans to which he said yes.

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

Ms. Howell asked for clarification on Mr. Nusser's relationship to E&LP to which he explained to the Board.

Mr. Stoner requested the zoning table have both lots listed on it. There was a discussion on merging the subdivision plans into the overall plan set. The Board agreed the subdivision plans should be combined with the overall plan set.

Mr. Thomas asked Mr. Nusser if he would continue to oversee the project to which he said yes.

Mr. Messerschmidt said the Board wanted to discuss the list of stipulations dated March 8, 2023, which were exhibit A-48. Ms. Gilchrist questioned the size of the truck coming to the site. Mr. Nusser said the largest vehicle coming to the site would be the WB-50. Ms. Gilchrist said there are four acres of storage bins and felt they would not be filling four acres of aggregate storage with less than 50-foot dump trailers, which would be larger than a fifty-foot wheelbase. Mr. Thomas felt that was an assumption and said they would clarify the wheelbase. He said the aggregate might come in dump trucks, which are smaller.

Mr. Olsen asked for clarification on how the noise standards would be enforced once the applicant received their certificate of occupancy. Mr. Thomas said there would be a baseline prior to construction and then during operations there would be another test conducted to make sure they were within the standards. Mr. Stoner asked who would do the test. Mr. Thomas said they would retain someone to do the test.

Mr. Ordile asked if the equipment would be owned or leased as stated in the stipulation. Mr. Thomas said they are not leasing out space or equipment to others. Mr. Ordile asked for the noise stipulation to include local ordinance requirements to which Mr. Thomas said the

Township does not have a local requirement. Mr. Ordile noted a few corrections to the document.

Mr. Thomas will revise the document and resubmit it to the Board.

Mr. Messerschmidt said the hearing would be carried to April 18, 2023 at 7:30pm and to be held in person only at the municipal building without further notice to surrounding property owners.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS:

Ms. Howell asked if the Board could have the 11X 17 sized plans from applicants. The Board Secretary said it would require a change to the checklist.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$716.20	Budget
Weiner Law Group	Braen Supply	\$192.00	Applicant's Escrow
Weiner Law Group	Redevelopment – Nursing Home	\$560.00	Township
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$1,160.00	Applicant's Escrow
Harold Pellow & Assoc.	Master Plan	\$546.50	Master Plan Budget
Harold Pellow & Assoc.	Master Plan	\$1,582.00	Master Plan Budget
Harold Pellow & Assoc.	BHT Properties Group	\$112.00	Applicant's Escrow
Harold Pellow & Assoc.	Engineering	\$276.00	Budget

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

CORRESPONDENCE:

- 1.) From: Sussex County Department of Engineering & Planning
Re: Puff City Property, LLC, Block 134, Lot 17.06 – Exempt Site Plan
- 2.) From: Sussex County Department of Engineering & Planning
Re: Braen Supply Incorporated, Block 108.01, Lot 1 – Preliminary Site Plan Disapproved

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 present, the meeting was closed to the public.

UPCOMING MEETINGS: April 4, 2023, April 18, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator