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March 31, 2021

Updated: April 20, 2021

MEMORANDUM TO: Andover Township Land Use Board

FROM: Cory L. Stoner, P.E., C.M.E., Land Use Board Engineer

SUBJECT: ENGINEERING REVIEW

Preliminary/Final Site Plan & Variance Application for BHT Properties Group
Property Located at 248 Stickle Pond Road
Block 151 Lot 21
Andover Township, Sussex County
HPA No. 19-324

Dear Board Members:

The above referenced Applicant has seeking to amend the Preliminary & Final Site Plan and Use Variance application that was submitted for the proposed development of the Block 151 Lot 21 property located at 248 Stickle Pond Road. Based on a review of the new documents that have been submitted in support of this application, I offer the following comments:

1. The plans and documents submitted in support of this application include the items below. Note that newly submitted items are underlined.
 - a. Updated Plans entitled “Preliminary and Final Major Site Plan, BHT Properties, Block 151 Lot 21, Andover Township, Sussex County, New Jersey”, prepared by Engineering & Land Planning Associates, Inc., consisting of twenty-seven (27) sheets (50) sheets, dated December 12, 2019 and last revised January 26, 2021.
 - b. Updated Stormwater Management Report prepared by Engineering & Land Planning Associates, Inc. dated November 25, 2019 and last revised November 1, 2020.
 - c. Environmental Impact Statement prepared by Engineering & Land Planning Associates, Inc. dated December 12, 2019 and revised February 7, 2020. An updated Environmental Impact Statement, last revised January 26, 2021 has now been submitted.
 - d. Freshwater Wetlands Report & General Permit 6 and Transition Area Waiver prepared by Engineering & Land Planning Associates; Inc. dated January 20, 2020.

- e. Flood Hazard Area Verification Report prepared by Engineering & Land Planning Associates; Inc. and dated January 20, 2020.
 - f. Architectural drawings entitled CoPart Inc., Macon Facility, 7661 Houston Road, Byron Georgia, prepared by Studio Kremer Architects, dated April 17, 2017 and consisting of seventeen (17) sheets. New architectural plans entitled “Insurance Auto Auctions, ...”, prepared by The Hill Firm, dated May 13, 2020 and last revised February 5, 2021 have now been provided.
 - g. ALTA/ACSM Land Title Survey entitled “Acquisition Parcel from RRL Group, Public Service Electric & Gas Company,, prepared by Carroll Engineering, dated December 19, 2012 and consisting of two (2) sheets.
 - h. Land Development Application, checklists, and other supporting documents. Note that a new Land Development Application was submitted for the amendment to the original application. No new checklists have been provided.
 - i. Traffic Impact Study for BHT Properties Group, LLC prepared by Dynamic Traffic, dated August 6, 2021 and last revised February 4, 2021.
2. The original application was for an outdoor storage facility of used, operable and inoperable automobiles, trucks, watercraft, trailers, industrial and construction equipment for online auction. The most recent application states that the property will now be used for storage of construction vehicles and construction equipment and materials. A commercial office building will be constructed as part of this application. It is assumed that building will be used in conjunction with the construction storage that is being proposed.

Note: The site plan documents submitted with this application are very similar to the site plan that was submitted as part of the original submission. Major changes to the site plan design include modifications to the stormwater management design to address comments in previous review reports, changing of site from vehicle storage to areas designated for storage of construction equipment and materials, and modifications of the paved parking areas near the proposed commercial building.

3. **Completeness Comments:** During the February 18, 2020 Land Use Board determined that the original application was complete for the purpose of scheduling the hearing of the original application. While numerous documents have been provided for this application, I believe a few items need to be provided for the new use that is being proposed. These items include the following:
- a. Updated Environmental Impact Statement – An updated report should be submitted to reflect the changes that are being made to this application for the propose construction related use. This report should also address all environmental permit

approvals that will be needed and state whether the proposed use will have any impact on the permits that already been applied for.

An updated Environmental Impact Statement has now been provided. The report provides a general review of the project and the environmental conditions that exists in the vicinity of the subject property. The report is not very detailed in regards to the environmental sensitivity of the Pequest River or how the project construction will include measures to protect environmentally sensitive areas. The report also does not address whether the project will meet the current Township and NJDEP stormwater management regulations.

- b. Updated Traffic Impact Study – The traffic impact study report should be updated to reflect updated future conditions, new traffic generation volumes, and future capacity analysis information.

An updated Traffic Impact Study last revised February 4, 2021 has now been provided. This report addresses existing conditions and provides a review of the proposed traffic conditions once the site is operational. Per this report, the proposed facility will include a maximum of 20 full time employees and there will be approximately 150 trips per day associated with pick-up and delivery of equipment and materials. Detailed testimony will be required by the Applicant during the hearing regarding the usage of the property and the traffic that will be generated when in operation.

- c. Project Narrative – The proposed use is significantly different than what was originally proposed and very little information has been provided regarding what will be stored on the property and what activity on the property will look like when the property is fully developed. A project narrative along with details of proposed storage equipment and materials (ie ... manufacture cutsheets, photos, etc...) needs to be provided.

A project narrative has been provided in the Applicant's Attorney letter dated April 5, 2021. Per this narrative, the project will consist of demolition of hangars, paved driveways, concrete pads, three dwellings, two garages and three sheds. The proposed improvements to be constructed will include a 12,860 square foot building, various site improvements (parking, lighting, landscaping, etc...) and a 41.85 acre area for construction equipment and material storage. Materials to be stored will include stone, aggregate, precast concrete structures, and other typical natural construction materials.

- d. Updated Architectural Drawings – The use of the proposed buildings is now stated to be commercial office space. New architectural drawings and floor plans should be provided to illustrate how this building will be utilizes with this proposed use.

New architectural drawings have been provided for the new building that is to be constructed on the property. These drawings, however, are not specifically prepared for this property. It is assumed that the building proposed at this site is to match the building that was constructed at another location shown on these plans for Lexington, South Carolina. The Applicant will need to comment on whether the building proposed will fully match the style, layout and construction materials shown on these plans.

As shown above, the Applicant how now provide a number of items that were requested as part of a completeness review of this application. The biggest item that still needs to be addressed is the adequacy of the Environmental Impact Statement and a review of the stormwater management design versus new Township and NJDEP stormwater management regulations.

4. Zoning Comments:

- a. The Block 151 Lot 21 property is located in the C/I, Commercial Industrial Zone District. A review of the proposed bulk requirements for a development of a property within the C/I, Commercial Industrial Zone District is as follows:

| Item | Required | Existing | Proposed | Variance |
|-----------------------------|------------------------|---------------------|----------------------------|-----------------|
| Min. Lot Area | 130,000 sf. | 100.87 acres | No Change | No |
| Min. Lot Width | 250 ft. | 3,908 ft. | No Change | No |
| Min. Front Yard Setback | 100 ft. Min. | 17.9 ft. House | 215.53 ft. New Building | No |
| Min. Rear Yard Setback | 50 ft. | 1.556 ft +/- | 413.93 ft. | No |
| Min. Side Yard Setback | 30 ft. | 450 ft. +/- | 386 ft. | No |
| Max. Structure Lot Coverage | 25% | 0.3% | 0.3% | No |
| Max. Impervious Coverage | 60% | 4.4%% | 19.84% | No |
| Max. Building Height | 2 ½ Stories/ 35 ft. | 1 story/ <35 ft. | 1 story <35 ft. | No |

- b. The site plan shows an existing house to remain on the site. Single family detached housing is not permitted in the commercial/industrial use zone and is an existing, non-conforming use. It is my opinion that no variance will be required for this building not meeting the required front yard setback.

Note: The Applicant’s Attorney letter dated April 5, 2021 states that the existing dwelling will be removed as part of this project.

- c. It is assumed that the Planner for the Board will address zoning and any use related variances that may be required for the proposed uses. I have no further comments regarding zoning.
5. **Site Plan Layout & Parking:** The following comments are updated comments for the newly proposed uses of the property in question.
- a. The site plan documents illustrate that approximately 60 acres of the 100 acre +/- property will be developed as part of this application. Extensive grading will be required as part of this project. The Applicant should be prepared to review all proposed use areas in detail with the Board in order to provide a clear picture of what this use will include on this property.
- b. The parking area for the new building will have sixty-two (62) parking space. Per Section 190-61 of the Township Code, the requirement for Industrial uses shall be one space per employee or one space per every 500 square feet of gross area, whichever is greater. Per Section 190-58, business office shall provide at least one space per every 200 square feet. Since no information regarding the proposed building has been provide, it is unclear how the new building will be utilized. The Applicant should provide testimony to determine how the building will be utilized and justify the number of parking spaces that are being proposed.
- c. Per Section 131-37 of the Township Code, all parking spaces shall be at least 10 feet by 20 feet. The parking spaces as proposed will be 9 foot by 18 foot spaces. A design waiver will be required.
- d. Per Section 131-37 of the Township Code, one loading space would be needed for the building. Given the nature of the proposed development, I do not believe that a loading space is needed. However, a design waiver will still be required for the absence of a loading space.
- e. The Site plan shows an 8-foot-high fence around the perimeter of the site. Per Section 190-97 of the Township Code, only a four-foot-tall fence is permitted in the front yard and a six-foot-tall fence in the side and rear yards. A design waiver will be required for the proposed fence.

Note: The plans do not include a detail for this fence. The original submission included documentation that the fence would be a solid fence. It is not known if that is still the case or if the fence will now be a chain link fence. A detail illustrating the height, material, and color needs to be provided and the fencing needs to be reviewed with the Board.

- f. Per Section 131-37 of the Township Code, all parking areas on a commercial property are to be paved. The proposed parking area and unloading area will be paved. The access aisles will then consist of capped millings and the vehicles

storage areas will consist of 6 inches of dense graded aggregate. Design waivers will be required for not paving all parking areas.

Note: Per the NJDEP “Recycled Asphalt Pavement and Asphalt Millings (RAP) Reuse Guidance” document dated March 2013, RAP may only be used as a surface material if an appropriate binder is applied like liquid asphalt emulsion. Documentation that oil capping material that is proposed to be used meets NJDPE requirements will be needed.

- g. Per Section 131-37 of the Township Code, all parking areas on a commercial property are to be enclosed in curb. No curbing is proposed for the proposed parking areas. A design waiver will be required for not enclosing the parking areas with curbing.
- h. From a review of the grading plan and that fact that equipment and material will be stored in hilly areas of the site, it appears that the items stored may be seen from properties to the northwest of the site or even State Route 206. The Applicant should address these line of sight issues with a comprehensive review from all directions to demonstrate what stored items, if any, will be seen from adjacent properties.

6. **Stormwater Management:**

- a. The proposed development, which spans over approximately 60 acres of the 100 acre property, consists of multiple points of analysis to compare pre-development and post-development conditions. The water quantity reductions, water quality treatment and groundwater recharge are proposed to be addressed by utilizing six (6) above-ground infiltration basins.
- b. The proposed site plan application meets the definition of a “Major Development”, and is therefore subject to meeting the current Andover Township and NJDEP stormwater requirements. The design of the proposed stormwater management facility must adequately address three main criteria, which includes water quantity reductions, water quality treatment and groundwater recharge.

Note: Andover Township adopted a new Stormwater Ordinance on February 18, 2021. This ordinance updated the Township Code to align the procedures for stormwater management design with new NJDEP regulations that were to become effective on March 2, 2021. It is my understanding that the Applicant has submitted permit applications to the NJDEP prior to the March 2, 2021 date and the application is currently being reviewed. It is my recommendation

that the stormwater management design for the project be in alignment with the NJDEP permit review requirements for this project.

Additional Notes: With the proposed development now being considered a new Application, the Applicant will need to provide a full review of the current design and outline how the application does or does not meet the new green infrastructure requirements of the newly adopted Township Stormwater Ordinance. Any deviations would require a waiver from the design standards and would need to be supported with specific design rationale why the standards cannot be met. Also note that the NJDEP reviewers of any current applications need to be notified of any changes to the site design and be notified of how the application to the Township is now being considered a new application with new uses being proposed on the site.

- c. Water Quantity: Based on the review of the stormwater management report submitted for this project, it was found that water quantity requirements have not been fully addressed. The infiltration basins generally comply with the design elements described in Chapter 9.5 – Infiltration Basins of the New Jersey Department of Environmental Protection (NJDEP) Best Management Practices (BMP) manual. A number of the design elements have not been adequately addressed. These elements include the following:
- (1) Credit has been taken for infiltration in the hydrograph computations. The above referenced Chapter 9.5 states that infiltration may not be used in routing calculations for quantity control. The Applicant’s Engineer will need to provide justifications of why a waiver should be granted of not meeting this requirement.
 - (2) The majority of the area where gravel was previously proposed, is now being proposed to be “paved with asphalt millings”. As per NJDEP guidelines, asphalt millings are to be top coated with a stabilizing material. This would render the surface to be completely impervious and, therefore, subject to additional water quantity and water quality measures. Updated stormwater calculations are required that takes the additional impervious areas into account.
 - (3) In addition to the “On Site Soil Testing” provided in Appendix H of the stormwater management report, the testing of permeability rates must be consistent with Soil Testing Criteria listed in Appendix E of the NJDEP BMP manual. Multiple soil tests are required at the exact

location of the proposed BMP's in order to confirm its ability to function as designed.

Note: The Applicant's Engineer has stated that the above testing will be provided prior to final approval. It should be noted that given that a large portion of the soils on site are classified as a Type-D soil, (meaning poorly drained), the infiltration rates of the existing soils could have a major impact to basin design and functionality. Any approval granted by the Board will need to be subject to this testing occurring. If such testing impacts the design of the project significantly, a subsequent amendment to a site plan approval may be required.

- (4) Groundwater mounding impacts must be assessed, as required by N.J.A.C. 7:8-5.4(a)2.iv.
 - (5) A one-foot freeboard is required for infiltration basins D, G-1 and H, as per the definition described in N.J.A.C. 7:20-1.2
 - (6) As per the above referenced Chapter 9.5, due to the potential for groundwater contamination, the use of infiltration basins is prohibited in areas where high pollutant loading is anticipated. The Applicant should provide documentation and testimony regarding the proposed uses and address the potential of pollutants contaminating the ground water.
- d. Water Quality: The required 80% Total Suspended Solids (TSS) removal rates shall apply to each drainage area for this site. As stated above the majority of the site will now be impervious and the calculations have not been updated to account for the additional impervious areas on the site now that the capped oil and stone is being proposed. Additional comments regarding water quality include the following:
- (1) Pretreatment in the form of a forebay including sizing calculations to be provided.
 - (2) An analysis of the separation distance between the bottom of the 6" sand layer and the seasonal high-water table (SHWT) needs to be submitted for review.

- a. Recharge: The recharge requirement has not been satisfactorily addressed. The additional impervious areas need to be accounted for in the recharge calculations.
- b. Since NJDEP permits will be required for this project, the NJDEP will perform a full stormwater management review for this project.

Note: As stated earlier, the NJDEP should be notified of the new application and the change of use that is now being proposed on this site. It is assumed the NJDEP application will need to be updated to reflect this new application changes.

- c. Grate efficiency and capacity calculations of all the proposed catch basins need to be submitted for review.
- d. The Applicant's Engineer to clarify the purpose and functionality of the proposed 8" RCP pipes (at 0.0% slopes) along the southeasterly berm of SWM-B1, and how it is impacting the water quality storm in the basin.
- e. Gravel access drives that are no steeper than 15% must be provided for each of the infiltration basins for monitoring and maintenance purposes.
- f. A construction detail of the proposed outlet structure B-16 to be provided.
- g. The existing and proposed grading is provided at a scale of 1" = 60', including unlabeled existing contours. We were unable to determine if any of the proposed infiltration basins are impounding water greater than a depth of five (5) foot, which would be classified as a class IV dam. The Applicant's Engineer to provide detailed grading of the proposed infiltration basins at a scale no smaller than 1" = 30', including existing and proposed contour labels.
- h. It is unclear why it is necessary for the proposed "E"-Inlet A-11 to be in a sump that is over six foot deep. If it needs to be as per the current design, a safety fence may be required. The Applicant's Engineer to verify and make revisions where necessary.
- i. Top and bottom spot elevations of the proposed retaining wall along the northerly berm of SWM-H to be provided.

- j. The current stormwater design proposes 27” and 33” RCP stormwater pipes. These are not standard pipe sizes. The Applicant’s Engineer to verify the size of the pipes and updated the design if necessary.
 - e. The maintenance manual submitted was prepared in accordance with Chapter 8 of the NJDEP Best Practice manual and is acceptable in format. This document shall be updated to reflect any changes that may occur with the final stormwater management design and will need to be recorded as per NJAC 7:8-5.8(d).
7. **Architectural Plans:** New architectural drawings have not been provided. The site plan application states the proposed building will be used for commercial office space. It is unclear how this building will be utilized in conjunction with the construction business use that is being proposed.

Note: As stated earlier, new architectural drawings have been provided but these drawings are not specifically prepared for this property. It is assumed that the building proposed at this site is to match the building that was constructed at another location shown on these plans for Lexington, South Carolina.

8. **Lighting & Landscaping:**
- a. The Lighting Plan included in the updated plans illustrates that lighting is only being proposed in the vicinity of the proposed entrance driveway, building and parking lot. No other lighting is shown on the plans. The Applicant should state whether any other security lighting is proposed anywhere on the property.
 - b. The Applicant should describe to the Board the planned hours of operation and state what hours the proposed lights will be on. It is recommended that the driveway and parking lot lighting be reduced during operating hours and only security lighting be allowed to remain on overnight.
 - c. An elaborate landscape plan has been provided with the application. The Applicant should be prepared to review the landscaping in detail and provide renderings to illustrate how the landscaping will block the views from nearby residential properties.
9. **Signage:**
- a. Per the Township Schedule of Sign Regulations, a single 32 square foot free standing sign is permitted per business. The proposed sign is 48 square feet per the definition at Section 190-91I. A variance will be required.

Note: Section 190-91I states that the area of a sign shall be computed as the total square foot content of the background and frame upon which the lettering, illustration or display is presented. No accounting for the base, I calculate the size of this sign to be 8' x 6' which are the dimensions of the sign and the frame around the sign.

- b. It is unknown whether a façade sign will be proposed with this application. Per the Township Schedule of Sign Regulations, a signal façade sign is permitted with a maximum size of 15% of the front façade. The Applicant should state whether any additional signs are proposed on the site.

10. **Environmental Comments & Permits:**

- a. Environmental Impact Statement (EIS): As stated previously, and updated EIS should be submitted in support of this application. The EIS should be prepared in accordance with Section 131-13 of the Township Code.

Note: As stated previously, an updated Environmental Impact Statement has now been provided. The report provides a general review of the project and the environmental conditions that exist in the vicinity of the subject property. The report is not real detailed in regards to the environmental sensitivity of the Pequest River or how the project construction will include measures to protect these areas. The report also does not address whether the project will meet the current Township and NJDEP stormwater management regulations.

- b. Freshwater Wetlands: Per the Freshwater Wetlands Report that was originally submitted with the application, the Applicant will need to obtain a General Permit 6 and a Transition Area Averaging Plan Waiver. A General Permit 6 is required for the permanent disturbance of an isolated wetlands along Stickles Pond Road. The Transition Area Averaging Plan Waiver is required for the disturbance of 7 separate wetland transition areas of exceptional resource value.

Per the wetlands report, minor reductions in the transition areas of these wetlands will be compensated equally around the same wetlands complex at a 1:1 ratio. It should be noted that the DEP will require a conservation restriction will need to be put in place to restrict future activities in the averaging compensation area. Any Board approval will need to be conditioned upon the Applicant obtaining the applicable NJDEP Freshwater Wetland permits and approvals.

- c. Flood Hazard Areas: A NJDEP Flood Hazard Area verification report was also submitted with the original submission. This report illustrates that the property in question is located in close proximity to a tributary of the Pequest River and Stickles Pond. The report states that both water bodies are classified as FW2-TM (Trout Maintenance) waters and are designated with a 150 foot riparian buffer.

However, based on a review of the Surface Water Quality Standards (N.J.A.C. 7:9B), both of these waters categorized as FW2-TMC1 waters which will require a 300 foot riparian buffer. The increased buffers will overlap into some of the improvements proposed in the northern corner of the site and around Stickle Pond.

Per the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), the activities as proposed may possibly be constructed under Permit-By-Rule #10 – which will allow general construction activities located outside a flood hazard area within a riparian zone. If the activities do not qualify for a Permit-By-Rule, then a formal permit from the NJDEP will be required. The Applicant's Engineer should provide testimony regarding the impact an increased riparian buffer will have on the proposed site plan.

Note: NJDEP verification that NJDEP Flood Hazard Area permits will/will not be required should be a condition of any approval that the Board may grant for this project.

- d. As stated previously, a NJDEP Stormwater Management review will be required in conjunction with the NJDEP Freshwater Wetlands permit process.

Note: As stated previously, NJDEP reviewers of any current application should be notified of the change of the application and how the application is now a new application with new uses being proposed on the site.

- e. A Soil Erosion and Sediment Control permit will be required from Andover Township.
- f. A new septic system will be installed as part of this project. It is assumed that septic system requirements for this facility would be minimum and this permit will be obtained from the Sussex County Health Department and not require NJDEP review.

11. Other Approvals that will be required include but may not be limited to:

- i. Andover Township Construction Department
- ii. Andover Township Fire Subcode Official
- iii. NJDEP Land Use Regulation Permits
- iv. NJDEP Stormwater Management Approval
- v. Sussex County Health Department
- vi. Sussex County Planning Board.

Andover Township Land Use Board
RE: Preliminary/Final Site Plan & Variance Application for
BHT Properties Group
March 31, 2021, Updated April 20, 2021

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Very truly yours,



Cory L. Stoner, P.E., C.M.E.
HAROLD E. PELLOW & ASSOCIATES, INC.
Andover Township Land Use Board Engineer

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