

November 02, 2020
Via UPS Overnight

Andover Township
Land Use Board
134 Newton Sparta Road
Newton, NJ 07860

CIVIL ENGINEERING
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Re: Engineering Review
Preliminary/Final Site Plan & Variance Application
BHT Properties Group Property Located at 248 Stickles Pond Road
Block 151 Lot 22
Andover Township, Sussex County
HPA No. 19-324

To Whom It May Concern:

This letter is in response to comments provided within a completeness review, prepared by Cory L. Stoner, PE, CME, Land Use Board Engineer in regard to the above referenced application. Point by point responses to the comments are provided below.

Comments provided by Cory L. Stoner, PE, CME dated June 3, 2020

1. **Completeness Comments:** During the February 18, 2020 Land Use Board meeting reviewed my report dated February 15, 2020 and determined that the application was complete for the purpose of scheduling the hearing of this application. I have no additional comments regarding completeness.
Response: Acknowledged.

2. **Zoning Comments:**
 - a. The Applicant is proposing an outdoor storage facility of used, operable and inoperable automobiles, trucks, watercraft, trailers, industrial and construction equipment for online auction. The provided narrative states that there will be no retail sales of vehicles onsite.
Response: Acknowledged.
 - b. The Block 151 Lot 21 property is located in the C/I, Commercial Industrial Zone District. Per Section 190-51 of the Township Code the sale of automobiles is considered a conditional use.
Response: Acknowledged.
 - c. 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 assumed that this dwelling will remain. The Applicant will need to provide clarification whether this dwelling will remain and explain what the intended use of this dwelling will be in the future.
Response: Testimony will be provided.



Headquarters
140 West Main Street | High Bridge, NJ 08829
T: 908.238.0544

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- d. Per the conditional use requirements under Section 190-51 of the Township Code, the following requirements must be met for an automobile sales facility:
- i. Minimum lot size: four acres.
 - ii. Minimum lot width: 300 feet.
 - iii. Accessory uses: Used cars, machinery, equipment or vehicles shall not be sold, except as an accessory use to a new car, machinery or equipment dealer or in accordance with Chapter 78, Licensing, and Chapter 183, Vehicles, Sales of, of the Code of the Township of Andover.
 - iv. Minimum building size: 2,500 square feet of usable floor area.
 - v. Maximum coverage. The area devoted to outside display of new and used cars, machinery, equipment or vehicles shall not exceed the area of the building or 25% of the total lot area, whichever is greater.
 - vi. All outdoor display and service areas, including driveways and parking facilities, shall be paved.
 - vii. Vehicles, machinery and construction equipment shall be kept at least 50 feet from the right-of-way and property lines and be neatly arranged on the lot.
 - viii. The front yard shall be attractively landscaped.
 - ix. Lighting. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or to neighbors. In particular, so-called "string lights" shall not be permitted.

Response: Acknowledged.

- e. The proposed use on the Block 151 Lot 21 property will not meet a number of requirements listed under Section 190-51. The conditional use requirements not met include:
- i. The vehicles to be sold will not be an accessory use to a new car.
 - ii. The area devoted to outside display of cars will be much greater than 25%.
 - iii. All outdoor displays areas will not be paved.

Since the proposed use application will not meet all conditions of the Conditional Use, variance relief pursuant to N.J.S.A. 40:55D-70d(3) is required. The Applicant will need to provide expert testimony regarding why this variance relief should be permitted for this application.

Response: Testimony will be provided.



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3. Site Plan Layout & Parking:

- a. The parking area for the new building will have seventy (70) 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. Due to the unique nature of the use, the Applicant should provide testimony before the Board to determine if the total number of parking spaces needed for operation of the facility is appropriate.

Response: Testimony will be provided.

- b. 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.

Response: Acknowledged. A design waiver is requested for this item.

- c. 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.

Response: The paved area to the west of the building is a loading/unloading area.

- d. The Site plan shows an 8 foot tall solid 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.

Response: Acknowledged. A design waver is requested for this item.

- e. 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.

Response: Acknowledged. The plans have been revised to show all parking and storage areas as paved.



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- f. 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.

Response: Acknowledged. A design waiver is requested for this item.

- g. From a review of the grading plan and that fact that cars will be stored in hilly areas of the site, it appears that vehicle storage may be seen from properties to the northwest if 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 cars, if any, will be seen from adjacent properties.

Response: Testimony will be provided.

4. Stormwater Management:

- a. The proposed development, which spans over 365 acres, consists of nine (9) separate 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 two (2) above-ground infiltration basins, a 190-foot long bioretention swale and over 560,000 square feet of underground gravel storage.

Response: Acknowledged. The stormwater design has been revised to consist of six 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.

Response: Testimony will be provided. The six proposed above-ground infiltration basins address all of the NJDEP stormwater requirements. A waiver is requested for addressing water quantity reductions with infiltration.

- 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 satisfactorily addressed. The infiltration basins and underground storage must 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:



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- i. Infiltration may not be included in the routing calculations for water quantity control.
- ii. 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.
- iii. Groundwater mounding impacts must be assessed, as required by N.J.A.C. 7:8-5.4(a)2.iv.
- iv. Drain time calculations for all BMP’s needs to be submitted for review.
- v. The hydrology input data for PDA-A and PDA-D provided in Appendix C of the stormwater management report is inconsistent with data used in Appendix D.

Response: Testimony will be provided. Additional on-site soil testing will be provided prior to final approval. The stormwater management report has been revised to address the groundwater mounding impacts from the proposed basins. The stormwater maintenance manual has been revised to include basin drain time calculations. The hydrology input data within the stormwater management report has been revised to be consistent between Appendices C and D.

- d. Water Quality: The required 80% Total Suspended Solids (TSS) removal rates shall apply to each drainage area for this site in accordance with the removal rates for the various BMPs listed in Table 2 of NJAC 7:8-5.5. This is a major issue that will need to be addressed, since the majority of the proposed impervious areas are not directed to either one of the proposed infiltrations basins. The areas that drain to these basins, will obtain the required 80% TSS removal rate. The majority of the development, however, is proposed to infiltrate into the ground by way of clean stone under the vehicle parking areas. These areas do not meet the required TSS removal rates.

Response: Acknowledged. The stormwater management design has been revised to show six infiltration basins throughout the site to provide the 80% TSS removal rate.

- e. Recharge: The recharge spreadsheet calculations may need to be revised based on the soil testing results as described in c. (2) above. Additionally, the input data for the subsurface recharge BMP’s needs to be reviewed by the applicant’s Engineer and revisions made where necessary.

Response: Acknowledged. On-site soil testing will be provided prior to final approval. The groundwater recharge spreadsheet will be revised accordingly.



- f. Since NJDEP permits will be required for this project, the NJDEP will perform a full stormwater management review for this project.
Response: Acknowledged.
- g. The proposed type “B-“Inlet frame & grate curb piece need to be type “Neco”. The construction details should be updated accordingly.
Response: Acknowledged. The B-Inlet detail has been revised to show the frame and curb piece to be type “Neco”.
- h. The applicant’s Engineer to confirm if the current NOAA-C rainfall distribution was utilized in the hydrologic analysis and runoff quantity calculations. If not, the proposed design may require revisions in order to comply.
Response: Acknowledged. The current NOAA-C rainfall distribution was utilized in the hydrologic analysis and can be seen in Appendix A of the stormwater management report.
- i. A maintenance manual prepared in accordance with Chapter 8 of the NJDEP Best Practice manual must be submitted for review. This document will need to be recorded as required per NJAC 7:8-5.8(d).
Response: Acknowledged. The stormwater management maintenance manual in accordance with Chapter 8 of the NJDEP Best Practice manual will be included with this submission.

5. Architectural Plans:

- a. The architectural plans prepared by Studio Kremer Architects illustrates a steel one-story building that will be constructed as part of this application. The plans provided, however, are for another facility located in Georgia and are not site specific. The Applicant should be prepared to review the architectural drawings in detail with the Board. The testimony provided should include a detailed review of building materials, colors and any other details that would be beneficial for the Board to consider in their review.

Note: If an approval is granted by the Board, updated plans that are prepared specifically for this site will need to be submitted and approved prior to any construction permits being issued.

Response: Testimony will be provided.

- b. The floor plan shows a large office area along with a 2,700 square foot warehouse area. The Applicant should be prepared to review before the Board what will be stored in the warehouse as well as office operations.
Response: Testimony will be provided.



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6. Lighting & Landscaping:

- a. The Lighting Plan illustrates that lighting is only being proposed in the vicinity of the proposed entrance driveway, building and seventy (70) space 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.

Response: Testimony will be provided. No additional lighting is proposed 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.

Response: Testimony will be provided.

- c. An elaborate landscape plan has been provided with the application. It is noted, however, that a break in the landscape buffer around the proposed septic field. Additional plantings should be proposed to fill in this break.

Response: Acknowledged. The landscaping plan has been revised to show additional plantings around the proposed septic field.

- d. The landscape plans show a single tree type around the perimeter of the facility. The Applicant should propose a mix of evergreen trees in the event the single species is affected by disease, insects or some other problem which causes the trees to die or decline in health.

Response: Acknowledged. A mixture of evergreen trees are proposed around the perimeter of the facility. Both Eastern Redcedar and Eastern White Pine trees are proposed.

7. 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 42 square feet per the definition at Section 190-911. A variance will be required.

Response: Testimony will be provided.

- b. The architectural drawings do not illustrate what 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.

Response: Testimony will be provided.



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8. Environmental Comments & Permits:

- a. Environmental Impact Statement (EIS): An EIS has been submitted in support of this application. Based on a review of this document, I have the following comments:
 - i. The EIS states that one underground storage tank and two above ground storage tanks are located on the property but are not in use. The location of these tanks should be shown on the plans and any approval granted by the Board should be conditioned on these tanks be properly removed and documented.
Response: Acknowledged. The location of the storage tanks to be removed has been added to sheet 3 of the plans.
 - ii. The EIS states that no degradation to air quality and no excess noise will be created by the proposed facility. The Applicant should provide testimony regarding the overall operation of the facility and describe what vehicles omissions and noise that may be generated.
Response: Testimony will be provided.
 - iii. The EIS discusses water supply but does not how the facility will not impact the quality of groundwater in the area. Specific concerns I have regarding water quality are related to how oil or fuel spills in gravel parking areas will not have an impact on groundwater.
Response: Testimony will be provided.
 - iv. The EIS states that additional Police protection will not be required. The Applicant should be prepared to discuss in detail the measures that will be taken to assure that automobile or automobile part thefts will not become a problem at this facility.
Response: Testimony will be provided.
 - v. The EIS explains that fire protection shall be adequate since Stickles Pond is located near the facility and will provide for a natural fire protection resource. While that may be true for water supply, I would recommend that input from the Andover Township Fire Department be obtained to determine if they have any concerns regarding the close placement of cars and proposed circulation and access through the site.
Response: Testimony will be provided. Approval from the Andover Township Fire Department will be provided prior to final approval.
 - vi. Per Section 131-13 of the Township code, the EIS should address the method and schedule of construction including grading and clearing.



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With such a large site, it is assumed that it will be constructed in phases. The Applicant should outline how construction will occur and whether they have any plans to construct part of the facility and begin use before the rest of the site is ready for opening.

Response: Testimony will be provided.

- b. Freshwater Wetlands: Per the Freshwater Wetlands Report 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.

Response: Acknowledged. All applicable NJDEP Freshwater Wetland permits will be obtained prior to final plan approval.

- c. Flood Hazard Areas: A NJDEP Flood Hazard Area verification report has been submitted in support of this application. 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 Stickles 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



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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.

Response: Testimony will be provided. All applicable NJDEP Flood Hazard Area permits will be obtained prior to final plan approval.

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

Response: Acknowledged.

- e. A Soil Erosion and Sediment Control permit will be required from Andover Township.

Response: Acknowledged.

- 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.

Response: Acknowledged.

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

- a. Andover Township Construction Department
- b. Andover Township Fire Subcode Official
- c. NJDEP Land Use Regulation Permits
- d. NJDEP Stormwater Management Approval
- e. Sussex County Health Department
- f. Sussex County Planning Board

Response: Acknowledged.

At this time, we believe that all of the review comments for this application have been addressed. Should you have any questions, or require additional information, please do not hesitate to contact me.

Sincerely,

Engineering & Land Planning Associates, Inc.



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November 02, 2020
BHT Properties
248 Stickles Pond Road

Christopher R. Nusser, PE, PP
Sr. Program Manager, Civil Engineering



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