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May 18, 2021

**Via Hand Delivery Electronic Mail**

**[spizzulo@andovertp.org](mailto:spizzulo@andovertp.org)**

Stephanie Pizzulo, Administrator  
Andover Township Land Use Board  
134 Newton Sparta Road  
Newton, New Jersey 07860

**RE: Andover Township Land Use Board  
Applicant: BHT Properties Group  
Owner: Public Service Electric & Gas  
Property: 248 Stickles Pond Road, Block 151, Lot 21**

Dear Ms. Pizzulo:

In furtherance of the Checklist that we provided you regarding the use variance, please be advised that my client reserves the right to establish that a use variance in this matter is not required. We note that Mr. Morris of Harold Pellow and Associates indicates that a use variance is necessary only for the outdoor storage in accordance with Section 190-21. He acknowledges that the actual use of a construction business office and construction equipment and storage material is permitted in that zone. Notwithstanding our reservation of rights, we have applied for the variance so as to move this matter forward toward a hearing.

Pursuant to the Checklist No. 7, there is a requirement to satisfy Item 32 and Item 33. The purpose of this letter is to satisfy that requirement.

Section 190-21 provides that, "no article or material shall be kept or stored except articles for sale outside the confines of a building". Our first position is that materials that are being kept are, in fact, being kept for sale. Therefore, this provision does not apply. Notwithstanding that, we will present testimony to indicate that the materials that are kept are in fact substantially

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screened by both special plantings and a fence so as not be visible for many adjacent residential zones or public street except such storage as incidental thereto.

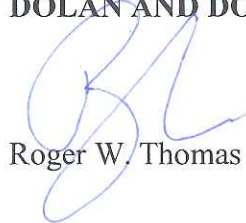
We believe that the current plan provides for storage of construction equipment in the front yard. However, we will show that the equipment stored in the front yard will be substantially screened with the plantings and/or fence and will not be visible by residential properties on Stickle Pond Road or from Stickle Pond Road itself.

To the extent that there is a need to prove that the site is particularly well-suited, we believe that the very fact that this use of a construction business office and construction equipment and material storage is a permitted use in the Commercial Industrial Zone. By definition, the use is particularly well-suited for the zone since it is permitted in that zone.

To the extent that we need to establish that there is no substantial detriment to the public good nor is there a substantial detriment to the intent and purpose of the Zone Plan or the Zoning Ordinance, we will establish that there will be substantial screening throughout the site so as to mitigate against the view of same from residential properties or from Stickle Pond Road. In doing so, we are therefore establishing that no substantial detriment is being provided to the public nor is there a substantial impediment to the intent and purpose of the Zone Plan. Clearly, the Ordinance authorizes this use as long as it is adequately screened in accordance with the reasonable recommendations of the Land Use Board staff. I believe that we will be able to establish those and meet the standards necessary for the grant of the variance to be made by the Land Use Board.

Very truly yours,

**DOLAN AND DOLAN, P.A.**



Roger W. Thomas

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