



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Hillside Barn
146 Lake Iliff Road
Andover, NJ 07860
MINUTES
July 20, 2021
7:30 p.m.

CALL TO ORDER:

Mr. Messerschmidt called the meeting to order at 7:30pm.

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led the Board 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 Hillside Barn, located at 146 Lake Iliff Road, 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:

Janis McGovern – Present
Eric Olsen – Present
John Carafello – Excused
Suzanne Howell – Present
John O’Connell – Present
CeCe Pattison – Present
Richard Skewes – Present
Steven Kepreos – Present
Joseph Ordile – Excused
Joseph Tolerico – Present
Eric Karr – Present
Paul Messerschmidt – Present

Also Present:

Thomas Molica, Esq.
Cory Stoner, PE
Matthew Morris, PP
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:

Approval of Minutes: July 6, 2021

A motion to approve the minutes of the July 6, 2021 meeting, with the noted corrections was made by Mr. Tolerico and seconded by Mr. Skewes. Roll Call: Janis McGovern – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

RESOLUTIONS:

1.) Grenewicz, Wayne B:158 L: 3 A21-3

Certification of Pre-Existing, Non-Conforming Use

A motion to approve the resolution, with the noted correction was made by Mr. Skewes and seconded by Mr. O’Connell. Roll Call: Janis McGovern – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

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 demolish all existing structures, 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 and storage.

Mr. Molica gave a brief history of the notice of the application. He also advised the Board that the applicant had further revised their site plan, filing various revised plan sheets electronically on July 16, 2021 and hard copies on July 19, 2021, and consequently the Board Professionals have not had a thorough opportunity to review the plans. He said they may be looking at a very basic presentation with the understanding the applicant will return in August when the Board professionals have had time to review the plans. He said the applicant intends to file the plans as exhibits.

Ms. Durkin, Esq, attorney for the objectors said she had spoken to the Board Attorney and the Applicant’s Attorney and has agreed to reserve on cross until the Board Professionals have

generated their reports. Ms. Durkin said she had received the report from the Environmental Commission and asked the Board to address the issue of hiring an Environmental expert as recommended in the report. Mr. Molica said the Board can discuss the matter but he recommended the Board hold off until they have the reports from the Board Engineer and Planner to get their recommendations.

Mr. Molica suggested Ms. McGovern step down from the application because of the “d” variance as indicated in Mr. Morris’ planning report. He said in the event the applicant can demonstrate and Mr. Morris agrees, that there is no “d” variance required, Ms. McGovern can then return to the Board and be able to vote on the application. Ms. McGovern stepped down from the Board.

Mr. Roger Thomas, Esq. of Dolan & Dolan was representing the applicant. He said he agreed with everything the Board Attorney had said. He said the application has been amended from the application which was filed over a year ago. He said the application is now referenced as a construction business office and construction equipment and material storage facility. Mr. Molica said the old application was withdrawn and a new application filed. Mr. Thomas said he will discuss that with Mr. Haggerty. He said the application is permitted in the Commercial Industrial zone and the use is a permitted use. Mr. Thomas said the only variance is in regards to the outdoor storage. The outdoor storage needs screening acceptable by the Board and the application has been modified to satisfy the Board. He felt they have an application for a permitted use and they are seeking site plan approval.

Mr. Molica swore in Mr. Christopher Nusser, PE of Engineering and Land Planning Associates, 140 West Main Street, High Bridge, NJ. Mr. Nusser gave his credentials and was accepted by the Board.

Mr. Thomas presented each Board Member with a packet of photos and maps which were copies of the exhibits.

Mr. Nusser presented a color aerial photo of the site entitled “Andover Township NJ Construction Business Office and Construction Equipment and Material Storage” which was marked and entered as exhibit A-1. He said the site is located at Block 151, Lot 21 and is in the Commercial Industrial zone. He explained the lot is about 100 acres with 3,900 linear feet of frontage on Stickles Pond Road. Mr. Nusser explained the lot and the surrounding area. He said the proposed use is permitted in the zone. He explained the proposed storage on the property.

Mr. Nusser presented a color photo entitled “Storage Container” which was marked and entered as exhibit A-3. He explained the photo to the Board. He said the containers are 8.6 feet tall, 40 feet long and 8 feet wide; typical sea containers.

Mr. Nusser presented a photo entitled "Construction Equipment" which was marked and entered as exhibit A-4. He said it depicted the type of construction equipment that would be on the site.

Mr. Nusser presented a photo entitled "Construction Materials" which was marked and entered as exhibit A-5. He said it depicted the type of aggregate material that would be stored in bins onsite. He said the storage height will not exceed eight feet.

Mr. Nusser presented a photo entitled "Construction Material, Fence Pipes, Etc." which was marked and entered as exhibit A-6. He said the photo depicts what would be stored inside of the storage containers.

Mr. Nusser presented a colorized map of the revised plan with aerial photo of the surroundings entitled "BHT Exhibit" which was marked and entered as exhibit A-7.

Mr. Nusser presented the following:

A rendering entitled "Site Line Exhibit" page 1 of 3, which was marked and entered as exhibit A-8.

A rendering entitled "Site Line Exhibit" page 2 of 3, which was marked and entered as exhibit A-9

A rendering entitled "Site Line exhibit" page 3 of 3, which was marked and entered as exhibit A-10.

Mr. Nusser presented the following:

A rendering entitled "Overall Site Plan Exhibit" page 1 of 4, which was marked and entered as exhibit A-11.

A rendering entitled "Site Plan Exhibit" page 2 of 4, which was marked and entered as exhibit A-12

A rendering entitled "Site Plan Exhibit" page 3 of 4, which was marked and entered as exhibit A-13

A rendering entitled "Site Plan Exhibit" page 4 of 4, which was marked and entered as exhibit A-14.

Mr. Nusser explained exhibit A-7. He explained the location of the proposed building and parking lot to the Board. He said the new plan shows a reduction in parking spaces to 38 spaces which still complies with the ordinance. He explained the container storage area and the access drives through the site. Mr. Nusser explained the location of the wetlands and the equipment storage area. He explained the storage along the front of the property and explained a significant amount of it has been relocated on the property. The existing runway will remain and provide access from one side of the site to the other. He said the main access to the site will be from Stickles Pond Road. Mr. Nusser explained the aggregates storage and container storage areas. He said they would maintain the existing vegetation, to the extent possible, along Stickles Pond Road.

Mr. Nusser said the access drive is approximately ¼ of a mile from the light on Route 206. He explained the existing drive to the northern part of the property and said it would be a secondary emergency access to the site. He showed the Board the main access as it relates to the homes on Stickles Pond Road.

Mr. Nusser describe the natural buffer along Stickles Pond Road. He said the old camp buildings will be removed. He explained the existing buffer near the proposed storage behind the building. Mr. Nusser explained the wetlands and the buffering of the equipment area. He explained the topography of the site and what people would see if they were looking into the site. He referenced Exhibit A-8 and A-9 and explained the line of sight from various points. Mr. Nusser said the equipment storage will be well hidden by the existing trees. He explained the site lines on Exhibit A-10 and the grading of the property. He said the equipment would not be seen from Stickles Pond Road.

Mr. Nusser said the proposed fence along Stickles Pond Road would be an eight-foot, solid fence which people cannot see through and there will be trees in front of the fence. He said they are requesting a waiver for the fence, which is proposed to protect the neighbors.

Mr. Nusser explained Exhibit A-12 to the Board. He said the building would be a 12,860 square foot building located just short of 75 feet off Stickles Pond Road. He explained the building location and the access drive, stormwater basins, the access gate and storage areas.

Mr. Nusser explained Exhibit A-13, which shows the northern side of the site. He explained the material storage area which would be 8.3 acres and the construction equipment area which would be 5.8 acres. He noted the various regulated areas on the map and said no activities are proposed in those areas except the wetland transition area, which they have applied to the D.E.P. for.

Mr. Nusser went over exhibit A-14 and explained the existing runway, the storage area for the aggregate, the proposed landscaping buffer and stormwater basin to the Board.

Mr. Nusser started going through Mr. Stoners report dated April 20, 2021. Mr. Stoner asked for an updated set of plans to which Mr. Thomas said he would get that to Mr. Stoner.

Mr. Molica said Mr. Nusser is referencing a report that will be revised. Mr. Thomas agreed. Mr. Messerschmidt suggested the Board hold their questions until the professionals have had time to submit their revised reports. Mr. Thomas agreed.

Mr. Molica advised the public the hearing would be carried to August 17, 2021 at the Hillside Barn with no further notice.

The Board took a five-minute recess.

Ms. McGovern returned to the Board.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

LIAISON REPORTS:

Township Committee – Janis McGovern

Ms. McGovern reported the Township Committee had a second reading of the Mobil Retail Food Vendors ordinance and the ordinance prohibiting retail and delivery of cannabis in Andover.

Environmental Commission – Suzanne Howell

Ms. Howell said the Commission drafted a letter to the Land Use Board with concerns they had with the application before the Board.

Sustainable Andover – Eric Olsen

Mr. Olsen said they are working on the sunflower promotion which will be the last two weeks of August.

Economic Development Committee – John Carafello

Mr. Carafello was not present to give a report.

Zoning Map/ Zone Changes Subcommittee – Paul Messerschmidt

Mr. Messerschmidt said the subcommittee is trying to schedule a meeting to finish up the proposed changes to the zoning map.

VOUCHERS:

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$ 880.00	Legal Budget
Weiner Law Group	Redevelopment Study	\$1,168.00	Redevelopment Budget
Harold Pellow & Assoc.	Engineering	\$ 650.00	Engineering Budget
Harold Pellow & Assoc.	BHT Properties Group	\$ 893.25	Applicant's Escrow
Harold Pellow & Assoc.	PITFOA	\$ 32.50	Applicant's Escrow
Harold Pellow & Assoc.	Pace Glass	\$ 270.00	Applicant's Escrow
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$ 560.00	Applicant's Escrow

A motion to pay the bills as presented was made by Mr. Kepreos and seconded by Ms. Howell. Roll Call: Janis McGovern – abstain, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Richard Skewes – yes, Steven Kepreos – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

RETURN OF UNUSED ESCROW:

Applicant	Project	Amount
Perona Farms	Addition, signs, retractable roof	\$3,095.46

A motion to authorize the return of the unused escrow in the matter of Perona Farms was made by Mr. Tolerico and seconded by Mr. O’Connell. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, CeCe Pattison – yes, Richard Skewes – yes, Steven Kepreos – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

CORRESPONDENCE:

1.) From: Mr. Gary Kraemer, Esq.

Re: Richard Jump Application – Request to carry hearing from September 7, 2021 to September 21, 2021.

2.) From: Mr. Gary Kraemer, Esq.

Re: Richard Jump Application – Granting extension of time through October 31, 2021.

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. When called, please come to the microphone, state your full name and address and spell your last name for the record. 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 nobody coming forward, the meeting was closed to the public.

UPCOMING MEETINGS: August 3, 2021, August 17, 2021

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator