



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
The Hillside Barn  
146 Lake Iliff Road  
Andover, NJ 07860  
MINUTES  
September 21, 2021  
7:30 p.m.

**CALL TO ORDER:**

Mr. Messerschmidt called the meeting to order at 7:31 pm.

**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](http://www.andovertwp.org).

**ROLL CALL:**

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

**Also Present:**

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

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** September 7, 2021

A motion to approve the minutes of the September 7, 2021 meeting with the noted corrections was made by Mr. O'Connell and seconded by Ms. Pattison. Roll Call: Janis McGovern – yes, Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, CeCe Pattison – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

**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 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. Roger Thomas, Esq. of the law firm Dolan & Dolan said he was representing the applicant.

Mr. Carafello and Ms. McGovern recused themselves from this application and stepped down from the dais.

Mr. Thomas said he was prepared with two witnesses for this hearing; a representative from BHT and a traffic expert. He said based upon a discussion he had with the Board Attorney, he was advised the Board did not want to proceed with the hearing. He said the Board wants the completed site plans that are in the process of being prepared by the applicant's engineer. Mr. Thomas said the plans would be available to the Board on or before October 1, 2021 so there will be plenty of time for the Board and its professionals to review them. Mr. Thomas asked for the notice to be carried to October 19, 2021 so that there are no further notice requirements.

Mr. Thomas said he did present a letter to the Board with regard to an issue of a variance concerning the outdoor storage. He said he was prepared to present his arguments with regard to that however, there was a discussion that he had with the Board Attorney and Board Chair and as a result he would defer that and submitted to the Board Attorney as to how this will be handled.

Mr. Molica agreed with what Mr. Thomas said. Mr. Molica said that at the July meeting, the exhibits that were presented were not sufficient for the Board Professionals to review. There were revisions made and a full set of plans would be forth coming. He said the applicant has been seemly delayed in filing that full set of revised plans although as Mr. Thomas had indicated they would be ready to file at the end of next week. Mr. Molica said that it became apparent the applicant can proceed on October 19, 2021 having the benefit of the fully revised full set of plans and the supplementally review memoranda the Board professionals contemplate generating and then also address Mr. Thomas' letter of September 17, 2021 where he questions whether a "d" variance is truly required for the application.

Mr. Molica suggested the Board carry the hearing to the October 19, 2021 meeting date without further notice provided the applicant agrees to grant an extension of time to act upon the application. Mr. Thomas said, on the record, he would grant the extension of time through the end of October.

Mr. Messerschmidt clarified that the meeting will take place at The Barn however; no notice would be published in the newspaper. He said the Board has been told for over two months that they would have the revised site plan and that has not occurred. He said the Board now has Mr. Thomas' representation that they will have the revised plans on or before October 1, 2021. He noted the Board has carried the hearing at the applicant's request and every time that happens the public comes out to the meeting, the Township employees have to set up the room and then come back to break it down and the meeting gets carried and we don't have the meeting. He said the Board has not conducted any other business such as other applications or Board business on the nights the Board schedules these public hearings. Mr. Messerschmidt wanted to make the applicant's attorney aware that at some point, the Board might have to take action on this matter.

Mr. Thomas said they had started the hearing in July and heard testimony from their engineer. He said they did request to carry only one time in August. He felt this time they are carrying at request of the Board. He said they would have the plans by October 1, 2021. Mr. Thomas said they were in the position to put testimony on the record and the additional site plans the Board has requested would not have been implicated in that testimony. Mr. Thomas said they would be present on October 19, 2021 to proceed.

Mr. Ordile asked Mr. Thomas if he could guarantee that Mr. Nusser will return to the October 19, 2021 meeting to answer questions to which Mr. Thomas said yes. Mr. O'Connell asked if the Board is receiving new site plans. Mr. Thomas said he is providing supplemental information. He said they have already provided site plans.

Mr. Stoner said, in addition to supplemental information on stormwater and environmental issues, he is requesting a full set of plans reflecting what was present by the engineer's testimony and presented as an exhibit to which Mr. Thomas agreed. Mr. Thomas said the plan set presented at the July meeting is the plan. Mr. Stoner clarified that what was presented at the July meeting was an exhibit. Mr. Thomas said it is a plan and is what they are relying on and what the Board will get in full detail. He said it would be presented to the Board on or before October 1, 2021.

Mr. Morris said they would review the entire set of plans as presented and make their recommendations through their memorandum.

A motion to carry the hearing to October 19, 2021 at 7:30pm at The Barn without further notice was made by Mr. O'Connell and seconded by Mr. Skewes. Roll Call: Eric Olsen – yes, Suzanne Howell – no, John O'Connell – yes, CeCe Pattison -yes, Richard Skewes – yes, Joseph Ordile – no, Joseph Tolerico – yes, Paul Messerschmidt – yes. Motion passed.

**ORDINANCES:** None.

Ms. McGovern and Mr. Carafello returned to the dais.

**OLD BUSINESS:**

1.) 2022 Budget Update

The Board Secretary said there had been a concern about the amount of money budgeted for the zoning map revision. She had checked with the Board Engineer and reported the amount of funds already requested is sufficient.

The Board agreed the proposed budget could be sent to the Finance Officer.

**NEW BUSINESS:**

Mr. Ordile reported that the past Sunday was Sussex County Day at the fairgrounds and it was an awesome day. He noted the Mayor was at the Andover booth and she and the Board Secretary had participated in the municipal egg toss contest. He said it was a nice day and advised the Board Members to attend next year.

**LIAISON REPORTS:**

***Township Committee*** – Janis McGovern

Ms. McGovern said she had discussed at the Township Committee meeting that the Land Use Board was in favor of adding a piece of property to the Redevelopment Study. She said the Township Attorney said the Township would have to rewrite the plan and hold another hearing if the lot was included. Ms. McGovern said the Township Attorney sent a letter to the property owner saying the Township was in favor of including the lot and if anything should move forward, the Township would address it at that time. Mr. Messerschmidt asked if the Township would supply a copy of the letter to the Redevelopment Subcommittee to which Ms. McGovern said yes.

***Environmental Commission*** – Suzanne Howell

Ms. Howell said they have not met and had no update. She said the “Meet and Greet” with H2M for the Open Space Plan will take place on October 6, 2021.

Mr. Ordile asked Ms. Howell if she knew how many people have taken the survey to which she said she did not know.

**Sustainable Andover** – Eric Olsen

Mr. Olsen said they are in the process of updating the Buy Local Guide. He said they met with a designer to produce a Buy Fresh/ Buy Local Guide that would be distributed electronically and as hard copies at local farms. It will educate people about locally sourced products. He said it would be a map to direct people to the farms.

**Economic Development Committee** – John Carafello

Mr. Carafello said he had a meeting with the people interested in buying The Abbey.

Mr. Carafello suggested having the President of the School Board as a member of the Master Plan Subcommittee.

Mr. Messerschmidt recommended the Master Plan Subcommittee talk to the Board Attorney before adding members outside of the Land Use Board to the Subcommittee.

**Zoning Map/ Zone Changes Subcommittee** – Paul Messerschmidt

Mr. Messerschmidt said the Subcommittee had presented a proposed revision of the Zoning Map along with the permitted uses chart to the Board. He suggested the Board have a final discussion on proposed changes at the next meeting. Mr. Messerschmidt suggested Board Members write down their questions so the Board can wrap this up.

**Redevelopment Subcommittee** – Joseph Ordile

Mr. Ordile said they have a meeting set up with Jessica Caldwell on September 30, 2021 to start the Redevelopment Plan.

**Master Plan Subcommittee** – Joseph Ordile

Mr. Ordile said there is no update.

**VOUCHERS:**

Company	Purpose	Amount	Paid By
Weiner Law Group	Legal	\$ 624.00	Legal Budget
Weiner Law Group	Christian Reinauer	\$ 624.00	Applicant’s Escrow
Weiner Law Group	Jump, Richard	\$ 96.00	Applicant’s Escrow

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

**CORRESPONDENCE:**

1.) From: Dykstra Associates

Re: Notice of Application for Letter of Interpretation from Christian Reinauer

Date: September 1, 2021

2.) From: Roger Thomas, Esq.

Re: Request for Variance Determination in the BHT Properties Application

Date: September 17, 2021

Mr. Messerschmidt went over the correspondence with the Board.

**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 no public present, the meeting was closed to the public.

**UPCOMING MEETINGS:** October 5, 2021, October 19, 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 Mr. Olsen and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Land Use Administrator