



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

The Hillside Barn  
146 Lake Iliff Road  
Andover, NJ 07860  
MINUTES  
October 19, 2021  
7:30 p.m.

**CALL TO ORDER:**

Ms. Howell called the meeting to order at 7:33 p.m.

**PLEDGE OF ALLEGIANCE:**

Ms. Howell led the Board in a flag salute.

**OPEN PUBLIC MEETINGS ACT NOTICE:**

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

**Also Present:**

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

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** October 5, 2021

A motion to approve the minutes of October 5, 2021 was made by Mr. Skewes and seconded by Mr. Carafello. Roll Call: Eric Olsen – yes, John Carafello – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Suzanne Howell -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. Carafello recused himself from the hearing and left the dais.

Mr. Roger Thomas, Esq., representing the applicant, said he felt the old stormwater regulations applied to this application since it had been filed before the County adopted the new regulations. He went over the timeline for the adoption of the new State regulations. Mr. Thomas said the only application the D.E.P. has is this application and they are reviewing it under the old regulations.

Mr. Molica said Mr. Thomas had filed a letter with the Board dated 10-15-21 setting forth the basis for his position. In the letter, Mr. Thomas asserted the time of application rule applies to this application and because this application, in its current form, was deemed complete by the Board on May 18, 2021 and the new Stormwater Management ordinance did not go into effect until the County approval date of July 12, 2021. Mr. Molica felt Mr. Thomas did support his position in this matter however; they are proceeding at their own risk because the D.E.P. could require everything to be recalculated under the new regulations. Mr. Molica said Mr. Stoner has referenced this in his report dated October 16, 2021. Mr. Molica was comfortable proceeding.

Mr. Stoner said he was not 100% agreeable that the new regulations were not applicable but he was not opposed to moving forward with the application. Mr. Stoner explained the differences between the old and new regulations. Mr. Stoner said if the D.E.P. comes back and says they must comply with the new regulations, the applicant would have to return to the Board with revised plans.

Mr. Molica said any approval would be conditioned upon obtaining documentation the D.E.P. has the new application as requested in Mr. Stoner's report of October 16, 2021.

Mr. Thomas addressed the type of variance they are seeking. He said they are taking the position it is a "C" variance and not a use variance. He referenced the two reports by the Board Planner where Mr. Morris takes the position it is a "D1" variance. He felt the Board Planner is incorrect and wanted to hear his analysis on the matter.

Mr. Molica swore in Mr. Matthew Morris, LLA, PP of Pellow & Associates and who was appointed by the Board as their Planner. Mr. Morris referenced his report of October 18, 2021 and said the property is located in the Commercial/ Industrial zone and under the ordinance allows for a construction business office and construction equipment storage and from his review of the Master Plan and zoning ordinances, it is his professional opinion the principal use should be the construction office. He felt the application is being presented as outdoor storage facility. He felt that the way the ordinance is written, the construction storage is incidental to the construction office use.

Mr. Thomas asked Mr. Morris if he was involved in the application known as Pace Glass Inc. to which he said he was not. Mr. Morris said he was somewhat familiar with the application. Mr. Thomas felt the Board had made a determination in the Pace Glass application that outdoor storage was a "C" variance and granted the "C" variance. Mr. Thomas felt this set a precedence. Mr. Morris said Pace Glass is a glass recycling facility and the glass stored on site would then be taken inside the facility and processed and the outdoor storage was not the principal use. He said the BHT Properties application is outdoor storage as the principal use. There was a discussion on the principal use and accessory use of the BHT Properties application.

Ms. Liz Durkin, Esq., on behalf of the objectors, felt the application has had many changes over a long period and felt the applicant needs to move forward with the application. She felt the applicant needs to put their professionals on and stop grilling the Board's Planner.

There was a lengthy discussion on the intent of the Master Plan and ordinance for the Commercial/ Industrial zone. Mr. Molica felt the exhibits are conflicting as to the proposed use of the property. Mr. Thomas said the application is for a construction business office and a

construction and material storage facility. He felt it is a permitted use and should be a “C” variance. Mr. Morris explained his opinion of the proposed application.

Mr. Molica swore in Mr. Paul Ricci, PP of Ricci Planning. Mr. Ricci gave his background and qualifications which were acceptable to the Board. Mr. Ricci said he disagreed with Mr. Morris’ opinion of the use variance. Mr. Ricci said the ordinance identifies the principal permitted use for the C/I zone as construction business office and construction equipment and material storage. He felt the word “and” connects the clauses and the ordinance permits both of those uses. He felt the application is a single principal use. He said the ordinance allows for a construction business office independent of the construction equipment and material storage. He said the construction is not located in the conditional or accessory use section of the ordinance. He went over the outdoor storage section of the ordinance.

Mr. Molica asked Mr. Ricci if he agrees with exhibit A-2 which says the proposed principal use of an “outdoor storage facility of special order and ordinary construction materials and equipment” is a permitted use independent of the construction office to which Mr. Ricci said yes.

Mr. Molica felt the discussion should be tabled until the Board hears from the applicant as to what they intend to use the office for. He felt operational testimony would be beneficial.

Ms. Durkin asked Mr. Ricci for clarification on his testimony. There was a discussion on the wording and layout of the ordinance table attachment 3. Mr. Molica felt the applicant should put operational testimony on the record.

Mr. Karr felt the intent of the ordinance was to separate out “material storage” as a conditional or accessory use. Mr. Ricci felt the accessory use as set forth in chapter 190-55.2 is for concrete and asphalt facilities and does not apply to their application.

The Board took a ten (10) minutes break.

Mr. Molica swore in Ms. Marielle Sainz, Chief Operations for BHT Construction. Ms. Sainz explained BHT Construction is the construction division of BHT Properties. She said the construction division does plan development such as civil work including grading, stormwater piping, infill, backfill and asphalt on their properties. She said they do these projects as the contractor or sub-contractor. She said BHT Properties Group has several properties across the country and they plan to use this property to store their material that will be used for BHT Construction properties in the northeast. Ms. Sainz explained the construction and storage process to the Board. She said all of the pipe and construction equipment is used for their sites in the northeast area which is north of Virginia and as far west as Pennsylvania. She explained they will store pipe, conduit, fencing material and aggregate material such as crushed stone,

asphalt, gravel and mulch. The aggregate material will be stored in concrete bays and will be stored no higher than six feet. She said the pipe and fence would be stored in storage containers very similar to the storage containers on the adjoining property.

Ms. Sainz said the proposed building would be used for storage of valuable material such as copper pipe and for the office operations. She said the building is about 70 feet from the property line. The parking lot will be behind the building. She said there will be no storage in front of the building. She described the frontage of the site, which she said it would remain in its current state. They will not disturb the vegetation or trees along Stickles Pond Road. She said the trees will be removed for the install of the driveway. The access is about 1/3 of a mile from the intersection of Route 206 and will be the only access. The trucks accessing the site will primarily use Route 206. She said they could direct the trucks out to Route 206 as part of their traffic plan.

Mr. Thomas presented the most recent plan set that was submitted to the Board, consisting of 27 sheets, with a revision date of September 29, 2021, which were marked and entered as exhibit A-15.

Mr. Thomas referred the Board to sheet #4 of the plan set. Ms. Sainz said there would be 40 parking spaces and 10 to 20 employees will be on site at any one time. She explained there will be a combination of salary and hourly employees with a manager onsite. The hourly employees will help with the logistics of the material coming to and from the site and maintain the area. She explained the delivery of materials. She said the hours of operation are 8:00am to 5:00pm Monday through Friday. There will be no operations on Saturday or Sunday. Ms. Sainz explained the site to the Board. She said they will not store any hazardous or volatile material in the storage containers and all materials that will be stored are inert material. She explained the storage of the construction equipment such as a common dump truck, excavator, bulldozer, and skid steer. She said the average height of the vehicles is 15 feet. She said they will not store anything in the wetlands or the buffer areas. She explained the wetland and terrain of the property to the Board. She said the proposed storage containers are the same as what are on the abutting property. Ms. Sainz said the tree line along Stickles Pond Road would not be disturbed and they will add evergreens and fencing. She said the airstrip will remain open. She said there will be anywhere from 10 to 50 pieces of construction equipment on the site and there will be from 500 to 1000 storage containers which will be arranged in neat rows and single stacked.

Ms. Sainz explained the companies spill plan for the construction equipment, which includes employee training.

Mr. Thomas presented a document entitled "Facility Operator's Program Manual for Hydrocarbon Spill Clean-Up" which was marked and entered as exhibit A-16.

Ms. Sainz said the building will be approximately 12,000 square feet which will be used for office space and material storage. She said they will have between 10 and 20 employees which will be hired locally. She explained the deliveries to the Board. There will be semi-trucks making about 150 trips 4 times a month during normal business hours. There will be trained staff to direct them on the site.

Ms. Sainz explained exhibits A1-A6.

Mr. Karr asked about the aggregate material to which Ms. Sainz said it is used as a subbase. Mr. Karr asked if the material will be stored in a bay or bin to which Ms. Sainz said it will be a "U" shaped bin. Mr. Karr said that use is not permitted in the Commercial/Industrial zone.

Mr. Ordile asked how the North East is being served by BHT Construction at the present time. Ms. Sainz said they are using vendors presently however; they are running into time constraints. She said lead time on stormwater pipe is three to four months. Mr. Ordile asked where in the country BHT Properties has similar construction properties. Ms. Sainz said Florida, South Carolina, Washington, California, New York, Maryland and Virginia.

Mr. Ordile asked the height of the aggregate storage bins to which Ms. Sainz said they are five feet in height. Mr. Ordile asked if they will shut down in the winter months. Ms. Sainz said it is harder to do civil work during the winter months however; it is all weather dependent.

Mr. Ordile asked how BHT Construction supports BHT Properties Group. Ms. Sainz said BHT Construction is the construction company for BHT Properties Group who owns the properties and represents the tenants. Mr. Ordile asked why the BHT Properties Group had not considered this use when they first submitted their application about two years ago. Ms. Sainz said she was not employed with them at that time and did not know. Mr. Thomas said he would try to find out however; he felt it was not relevant to the current application.

Mr. Olsen asked if the proposed material to be stored on the site could change to a different type of material. Ms. Sainz said the material being proposed is the same at all of their other locations. Mr. Olsen asked if a noise study had been done on other sites to which Ms. Sainz said she did not know. Mr. Olsen asked about the amount of materials that would be stored. Ms. Sainz said she did not know the amounts except most of it would be stormwater pipe and fencing. Mr. Olsen asked how the vehicles would be serviced. Ms. Sainz said some equipment would be serviced onsite and some would be taken offsite to be serviced.

Mr. Tolerico asked about equipment servicing and the possibility of an oil spill and how the equipment will be shielded from view during the winter months when trees have less foliage. Mr. Thomas said Mr. Nusser is the expert who will address those questions.

Mr. Ordile asked how material will be received. Ms. Sainz said an employee will check in the material and direct the truck driver to the location for the material to be dropped off. Ms. Sainz clarified that she misunderstood the earlier question when asked about other locations with a BHT Construction on it. She clarified this would be the first location with this type of use.

Mr. Ordile asked if a single type of material is stored in each container to which Ms. Sainz said yes. Mr. Ordile asked if the containers would be new or used. Ms. Sainz said she did not know how the containers would be purchased. Mr. Ordile asked if security cameras with night vision would be on site to which Ms., Sainz said yes. Mr. Ordile asked if the container would be lifted and removed with material in it to which Ms. Sainz said no.

Mr. Ordile asked where the equipment would come from. Ms. Sainz said they currently own some equipment and may purchase additional pieces. Mr. Ordile asked how the equipment will leave and return to the site. Ms. Sainz said most of it is delivered to and from the site. Mr. Ordile asked why the heavy equipment is not parked on the paved areas to which Ms. Sainz said heavy equipment is better on gravel. Mr. Ordile asked if it cost effective to store and deliver the material. Mr. Ordile asked about dust control measures to which Ms. Sainz agreed it could be done.

The Board took a five (5) minute break.

Mr. O'Connell asked if the Board will receive an architectural plan. Mr. Thomas said it was submitted with the application. Mr. O'Connell asked if Mr. Thomas would agree to a condition of no more than 50 pieces of equipment to which Mr. Thomas said yes.

Mr. O'Connell asked how the material will be moved to the storage containers. Ms. Sainz said they will use forklifts and skid steers. Mr. O'Connell expressed a concern with the backup alarms on the equipment. Mr. Thomas said they will work to mitigate the noise. Mr. O'Connell expressed a concern with moving the material and the tremendous amount of inventory. Ms. Sainz explained it is cost effective to store it.

Mr. Olsen asked about a plan for damaged materials. Ms. Sainz said she had not discussed this with her team however; she believed it would eventually be removed from the site.

Mr. Molica asked if BHT Construction is busy since they project this large amount of material. Ms. Sainz explained the process and the civil work they do for their customers.

Mr. Molica asked what the employees would be doing inside of the building. Ms. Sainz explained they would do shipping and receiving and scheduling of projects. Mr. Molica asked if any deals or contracts are negotiated from this site to which Ms. Sainz said no. Mr. Molica

asked if all of the material and vehicles are owned by BHT. Ms. Sainz said she did not know but would get that information. Mr. Thomas agreed that they would not rent out space to other contractors.

Mr. Stoner asked if the site would be built in stages to which Ms. Sainz said she did not know. Mr. Stoner questioned the size of the equipment storage area for the 10 to 50 pieces of equipment and the proximity to an environmentally sensitive area. Mr. Stoner felt some of the containers will be seen and expressed a concern about the colors. Ms. Sainz said they would all be the same color. Mr. Stoner asked for clarification on truck deliveries to which Ms. Sainz clarified her earlier statement.

Mr. Stoner expressed a concern the architectural did not represent what was on the site plan. He requested an elevation and a floorplan. Mr. Thomas said he will submit that to the Board.

Mr. Stoner asked how the container and bins will be arranged. Ms. Sainz said she did not know.

Mr. Molica asked if BHT Construction does work for any customers who are not contracted with BHT Properties Group. Ms. Sainz said not to her knowledge.

Mr. O'Connell asked what happens if a delivery arrives before the site is open. Ms. Sainz said the driver would have to park offsite until the facility is open. Mr. O'Connell expressed a concern with trucks waiting on Stickles Pond Road. Mr. Thomas suggested a condition that drivers would be given instruction they are not to park on Stickles Pond Road or any other residential road.

Mr. Molica said the hearing would continue at a future hearing date with a cross examination of Ms. Sainz. The Board agreed to hold a special meeting on Tuesday, November 30, 2021 at 7:30pm held at the Hillside Barn.

Ms. Durkin requested that if the Board is going to retain an Environmentalist, they should do so soon.

Mr. Thomas agreed to extend the time of decision through the end of the year.

**ORDINANCES:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**



**Township Committee** – Janis McGovern

Ms. McGovern was not present to give a report.

**Environmental Commission** – Suzanne Howell

Ms. Howell said they have not met and had nothing to report.

**Sustainable Andover** – Eric Olsen

Mr. Olsen said he had nothing to report.

**Economic Development Committee** – John Carafello

Mr. Carafello was not present to give a report.

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

Mr. Messerschmidt was not present to give a report.

**Redevelopment Subcommittee** – Joseph Ordile

Mr. Ordile said they would meet with Ms. Caldwell to discuss what permitted, non-residential uses would be appropriate for the areas indicated in the redevelopment study.

**Master Plan Subcommittee** – Joseph Ordile

Mr. Ordile said he was chosen as the spokesperson for the subcommittee and he went over the timeline for the Master Plan. He said the subcommittee was working on the RFP.

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$800.00	Applicant’s Escrow
Harold Pellow & Associates	Board Work	\$260.00	Engineering Budget
Harold Pellow & Associates	PITFOA	\$114.56	Applicant’s Escrow
Harold Pellow & Associates	LAC Realty	\$114.56	Applicant’s Escrow
Harold Pellow & Associates	Pace Glass	\$130.00	Applicant’s Escrow

A motion to pay the bills as presented was made by Mr. Tolerico and seconded by Mr. O’Connell. Roll Call: Eric Olsen – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Suzanne Howell – yes. Motion passed.

**CORRESPONDENCE:**

- 1.) From: Alex Stollery, Environmental Scientist – Trident Environmental  
Re: Notice of Freshwater Wetlands General Permit for 115 Stickles Pond Rd Requested
- 2.) From: David Gommoll, PE, LS  
Re: Notice of Freshwater Wetlands General Permit for 50 Greendale Rd Requested

**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.

Ms. Howell opened the meeting to the public. With no public present, the meeting was closed to the public.

A motion authorizing and ratifying any of the prior actions tonight and granting the request to hold a special meeting on Tuesday, November 30, 2021 for BHT Properties Group was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Suzanne Howell – yes. Motion passed.

**UPCOMING MEETINGS:** November 30, 2021, December 7, 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