



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
The Hillside Barn  
146 Lake Iliff Road  
Andover, NJ 07860  
MINUTES  
November 30, 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 – Absent  
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 – Present

**Also Present:**

Thomas Molica, Esq.

Cory Stoner, PE

Matthew Morris, PP

Stephanie Pizzulo, Secretary

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** October 19, 2021

A motion to approve the minutes of the October 19, 2021 with the noted corrections was made by Mr. O'Connell and seconded by Ms. Howell. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – 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. Messerschmidt advised the Board would discuss the hiring of an environmental expert as requested by the Environmental Commission and the Attorney for the Objectors after the conclusion of testimony for the evening.

Mr. Messerschmidt advised that the applicant had asked if they could seek a different venue to hold the meetings and said there will be discussion on that after the conclusion of testimony.

Mr. Roger Thomas, Esq. said they were requesting to carry the hearing for purposes of notice, to the next meeting date for the purpose of determining the new venue.

Mr. Thomas said he wanted to address the question that arose at the last hearing as to why the Copart application came before the BHT Construction application.

Ms. Janis McGovern recused herself from the Board and left the dais.

Ms. Marielle Sainz, Chief of Operations for BHT Construction was reminded she was still under oath. Ms. Sainz said Copart was a tenant of theirs at another location and had approached BHT Properties Group with the proposed site and after receiving push back, Copart withdrew their application. At that point, BHT Construction realized the site would be perfect for their operation, as they had been looking for a centrally located site. She explained all of the storage proposed for the use of BHT Construction. She explained the wait time and cost of storing the material. She explained the pricing of a project.

Mr. Messerschmidt asked who owned the construction equipment to which Ms. Sainz said BHT Construction. Mr. Messerschmidt asked for the number of State, D.E.P. or E.P.A. inspections the BHT Construction sites have had over the past 5 years to which Ms. Sainz said she did not know. She said their site in New York had been visited by the D.E.C. for erosion control. Mr. Messerschmidt asked if any of the sites had been cited by the D.E.P. or E.P.A. to which Ms. Sainz said she did not know.

Mr. Messerschmidt asked what percentage of the proposed building would be used for storage to which Ms. Sainz said about 2/3 and 1/3 for office space. Mr. Messerschmidt asked what the site in New York is being built for to which Ms. Sainz said it is a parking lot for an auto auction company with a 10,000 square foot building for storage and office space.

Mr. Messerschmidt asked what type of material would be stored inside the proposed building. Ms. Sainz said they would store the more valuable material such as fiber optic cable. There would be no storing of hazardous materials.

Mr. Olsen asked if there are currently construction employees employed by BHT Construction. Ms. Sainz said they are at the various locations where the construction is taking place. Mr. Olsen ask if there would be construction workers at the Andover site to which Ms. Sainz said no.

Mr. Tolerico noted Ms. Sainz had testified that oil changes on the equipment would be done onsite however; the Environmental Impact Statement said no maintenance would be done on the equipment. Mr. Tolerico asked for clarification. Ms. Sainz said if the Board did not want the oil changes done onsite, then that could be a condition of approval.

Ms. Liz Durkin, attorney for the objectors, asked Ms., Sainz about here background with BHT Construction. She asked Ms. Sainz to explain what she does for BHT Construction. Ms. Sainz said she oversees the operation of ongoing projects, which involves traveling to the various construction sites. She said there are four active sites, which are auto auction sites. Ms. Durkin questioned Ms. Sainz on her previous jobs prior to her employment with BHT Construction.

Ms. Durkin presented the applicant's exhibits A-1 through A-6 and proceeded to question Ms. Sainz about the exhibits. Ms. Durkin asked Ms. Sainz about the proposed shipping containers. Ms. Sainz said the proposed containers are used on the construction sites she oversees. Ms. Durkin asked how they calculated the need for the proposed number of containers. Ms. Sainz said they would need them for the various types and sizes of pipe and material. Ms. Durkin questioned Ms. Sainz about the type of pipes proposed for storage.

Ms. Durkin presented three photos of various drainage pipe which she downloaded from the internet and which were marked and entered as exhibit O-1, O-2 and O-3.

Mr. Thomas said if Ms. Durkin were going to suggest that the pictures indicate the only way pipe can be stored, he would object to that. Ms. Durkin questioned Ms. Sainz on the photos presented as exhibits O-1 through O-3. Ms. Sainz said the length of the drainage pipe is 20 feet and no pipe would be stored outside. Ms. Durkin asked how the pipe would be loaded and unloaded from the container. Mr. Thomas objected and said that is not Ms. Sainz area of expertise. Ms. Sainz said the pipe is loaded and unloaded with a forklift. Ms. Durkin asked who designed the layout of the site to which Ms. Sainz said it was the principal of the company. Ms. Durkin asked Ms. Sainz how she has no understanding of how the drainage pipe will be loaded and unloaded into the containers to which Mr. Thomas objected saying it was a mischaracterizing the testimony.

Ms. Durkin asked how they would know what material would be in what container. Ms. Sainz said the containers would be labeled and inventoried, and the pipe would be organized by size. Ms. Sainz said they would most likely only have one length of pipe in each container. Ms. Durkin questioned Ms. Sainz if she was familiar with OSHA or hazards of a construction site. Ms. Sainz said she is familiar with safety issues but is not OSHA certified. Ms. Durkin suggested potential hazards with storing material in the storage containers. Ms. Sainz said the foreman would oversee the safety issues. She said their concern is personnel safety and security of the material.

Ms. Durkin presented photos of rebar, which she downloaded, from the internet and which were marked and entered as exhibit O-4 and O-5.

Ms. Durkin asked Ms. Sainz what the use of rebar is on a construction site to which Mr. Thomas objected stating it is not Ms. Sainz job to determine the use of rebar on a construction site. Mr. Molica said if the applicant can answer the question, she should do so. Ms. Sainz said the rebar is used in the foundation. She said the rebar would come in bundles and would be cut and bent to the specifications of the specific job. Ms. Durkin asked about the loading and unloading of the rebar into the containers. Ms. Sainz said she would find out and let the Board know. There was a discussion on the size, length and weight of the pictured bundles of rebar.

Ms. Durkin said that what the applicant is proposing is the double handling of material. Ms. Sainz said they had done an analysis on the cost effectiveness of storing the material and stated as an example that the cost of these materials has gone up 25% since August.

Ms. Durkin asked if they would fill all of the proposed containers to which Ms. Sainz said they might in the future have a need to fill all of the containers. Ms. Durkin asked if all of the BHT Construction sites are for auto auction facilities. Ms. Sainz said all of the sites she is in charge of currently are for auto auction facilities. Ms. Durkin asked questions about the other sites BHT Construction is currently working on to which Mr. Thomas objected and said the questions were regarding BHT Properties business model, which the Board has no jurisdiction over.

The Board took a five-minute break.

Ms. Durkin asked Ms. Sainz why BHT Construction would need to store a large amount of material for yet to be determined projects to which Mr. Thomas objected to the question. He felt the questioning was to whether or not this is a viable operation, which he felt was not the responsibility of the Board. He said the issue is not the viability or zoning of the project. He felt the photos Ms. Durkin had submitted are misleading and not what the applicant is proposing.

Ms. Durkin asked Ms. Sainz how BHT Properties calculated the amount of storage that would be needed. Ms. Sainz said the principal of the company knows of the upcoming projects and has calculated the amount of storage they would need.

Ms. Durkin handed out three photos of precast concrete pipe, risers and a manhole cover which were downloaded from the internet, which was marked and entered as exhibit O-6, O-7 and O-8.

Ms. Durkin asked if these types of concrete pipes would be stored on site to which Ms. Sainz said no. Mr. Thomas asked that exhibits O-6 through O-8 be removed from the record. Ms. Durkin continued to ask if precast concrete material would be stored on the site. Mr. Thomas objected to the repeated question. Mr. Molica said the exhibits will be part of the record but the material pictured will not be stored onsite. Ms. Durkin again asked if any precast concrete would be stored on the property to which Ms. Sainz said no. Ms. Durkin quoted from the applicant's environmental statement that precast concrete materials would be stored on the site. Ms. Sainz said she was not aware that was in the Environmental Impact Statement. Mr. Molica asked if the applicant would agree to a condition of approval that no precast concrete material would be stored onsite to which Ms. Sainz agreed.

Ms. Durkin questioned the use of the term "natural" in the EIS and asked if the material proposed to be stored onsite is natural. Ms. Sainz felt the word was used to mean material that is natural to a construction site. Ms. Durkin questioned if fencing, rebar and pipe are natural.

Ms. Sainz said not from an environmental perspective. Ms. Durkin continued questioning about the proposed materials and if they are natural.

Ms. Durkin questioned Ms. Sainz about the proposed aggregates to be stored onsite. Ms. Sainz said the aggregates would be stored as depicted in exhibit A-5. She said someone from her team would order the material, the material will be stored in the bins and would not go over the top of the bin. The aggregate could be ordered from a supplier or taken from one of their other sites. Ms. Sainz did not know how long the material would stay in the bins, and said the aggregates would be moved with a loader.

Ms. Durkin asked Ms. Sainz to go over proposed number of employees and their operational functions. Ms. Sainz repeated her previous testimony.

Mr. Thomas requested the Objector Exhibits O-6 through O-8 be removed from the Board's consideration and returned back to Ms. Durkin because they are no longer relevant per Ms. Sainz testimony. Mr. Molica said the technical rules of evidence do not apply however; it was noted the witness testified they have no relevance to the property in question in this application.

Mr. Molica asked Ms. Durkin if she is moving exhibits O1 through O-8 into evidence. Ms. Durkin said she is going to reserve on that until the end of the hearing.

Mr. Karr asked for clarification on the type of pipe the applicant is proposing to store onsite. Ms. Sainz explained the type of pipe and said it is essentially plastic pipe.

Mr. Ordile asked if the Andover project is the number one project for BHT Construction. Ms. Sainz said she would not put emphasis on any one of the projects.

Mr. Olsen asked about the millings proposed for the site and asked if she knew the amount to which Ms. Sainz said no. Mr. Olsen asked if they would take precaution to keep the millings away from the water on the property to which Ms. Sainz said yes.

Mr. Stoner asked for a display as to how the space proposed for the equipment and storage would be used. Mr. Thomas said they would supply that information.

Mr. Molica asked the applicant if they were proposing to lease space to other construction companies to which Ms. Sainz said no. Mr. Molica asked if the applicant would agree to a condition that no space could be leased, to which Ms. Sainz said yes. Mr. Molica asked if BHT Properties owns the property to which Mr. Thomas said it is under contract.

Mr. Messerschmidt opened the meeting to the public for questions of the applicant.

Ms. Ellen Metzgar of 11 Arthur Ave, Andover asked about the hours of operation. Ms. Sainz said they would operate Monday through Friday from 8:00am to 5:00pm. Ms. Metzgar asked what would happen with a late delivery. Ms. Sainz said the delivery would have to return another day during normal hours. Ms. Metzgar asked what the remediation would be if the surrounding property owners wells were contaminated. Ms. Sainz said they have a spill protection plan they would put in place. Ms. Metzgar asked about the number of trucks per day. Ms. Sainz said that would vary and on average no more than ten trucks per day. She said four time per month there would be days with 75 truck trips per day, which would be tractor-trailers. She said the aggregates are brought in with dump trucks.

Mr. Albert Bills of 15 Springdale Road, Andover asked if there would be a permanent, onsite machine to move the aggregate, to which Ms. Sainz said no. She said it would only be there when needed. Mr. Bills asked if there would be a permanent forklift onsite, to which Ms. Sainz said yes. Mr. Bills asked how the equipment left onsite would be fueled to which Ms. Sainz said a diesel delivery truck would fuel the equipment. Mr. Bills asked if the applicant purchases used containers, would they be rehabbed onsite and expressed a concern with the paint and the water table. Ms. Sainz said she did not know how or where the containers would be rehabbed and understood Mr. Bills concern and would consider it. Ms. Sainz said they have not chosen the colors yet but they would be grey or black and similar to what is on the adjacent property. Mr. Bills asked if they would be pressure washing the equipment on site to which Ms. Sainz said no. Mr. Bills asked what would happen if a piece of equipment had a hydraulic leak. Ms. Sainz said they would activate their spill protection plan.

Mr. Greg Medvidick of 6 Howard Drive, Andover asked if diesel would be stored onsite to which Ms. Sainz said no. Mr. Medvidick asked if the applicant is planning to widen the road at the intersection of Route 206 and Stickles Pond Road. He also asked who would pay for the repair of the road if it were damaged. Ms. Sainz said she could not answer that question.

Mr. Mike Reed of 2 Howard Drive, Andover asked how they were proposing to protect the ground water from any heavy metals leaching from the millings. Ms. Sainz said that was a question for the Engineer to answer.

Mr. Ray Wexler of 121 Andover Sparta Road, Andover asked for the width of the aggregate bins. Mr. Thomas said that was a question of the Engineer. Mr. Wexler asked if the bins would be covered. Ms. Sainz said they had discussed covering some of the bins.

Ms. Kristina Ramanauskas of 7 Tallyho Lane, Andover asked about the spill remediation company. Ms. Sainz said they contract with ETS Environmental. Ms. Ramanauskas testified that ETS is a cleaning service type business and felt it was not suitable to handle an

environmental spill. Ms. Sainz said the company they contract is not a carpet cleaning service and explained they would activate their spill protection plan if necessary.

Mr. Greg MedvidickWexler of 6 Howard Drive, Andover asked if the applicant had a footprint of the shipping containers. Ms. Sainz said each container is 8 feet wide and 40 feet long.

Mr. Alan Galonski of 6 Valleyfield Road, Andover asked if the applicant is posting a bond for any cleanup. Ms. Sainz said she was not aware of any such bond.

Mr. Molica asked if the applicant would post performance guarantees pursuant to any approval and subsequent developers' agreement that may be required to which Mr. Thomas said he would not answer that question at this time.

Ms. Ann Reed of 2 Howard Drive, Andover asked about the response time if there were a spill. Ms. Sainz said the spill plan would be onsite and the employees would be trained in the cleanup.

Mr. Thomas asked Ms. Sainz to explain her team operation. Ms. Sainz explained the various team members and their responsibilities. She said she would consult with the team on the operations of the site. Mr. Thomas asked Ms. Sainz to explain how the Andover site would function over the next 10 years. Ms. Sainz said in the next ten years they are planning on growing the company and having more projects that are ongoing. Mr. Thomas asked Ms. Sainz if she has had delays in obtaining the types of material proposed to be stored on the site to which Ms. Sainz said yes. Ms. Sainz said this site would give the company a competitive advantage because they would have the material on site and know what the cost would be for their customers. Ms. Sainz explained the highs and lows of the pricing of the materials.

Mr. Messerschmidt discussed the possibility of a change of venue for the next hearing. He said the applicant has asked if they can seek a different venue for the next hearing. He explained the process that would take place at the December 7, 2021. Mr. Molica said the public hearing would be carried, without further notice, to Tuesday, December 7, 2021 at 7:30pm at the Andover Municipal Building, 134 Newton Sparta Rd., Andover and no substantive proceeding would take place and no testimony would be given at that meeting. The applicant and the Board will determine the next hearing date and location at that time. There was a discussion on changing the venue due to the lighting and acoustics of the current location.

Mr. Messerschmidt said the Andover Environmental Commission suggested the Land Use Board hire an environment expert to review the BHT Properties application. Mr. Molica said the Environmental Commission issued a memorandum dated July 19, 2021. Mr. Olsen said the Environmental Commission has a concern with the groundwater contamination. There was a



discussion on what the Environmental Commission concerns. Mr. Stoner outlined the issues the D.E.P. will be looking at.

A motion to accept the recommendation from the Environmental Commission to hire an environmental expert for this application to provide professional guidance to the Board was made by Mr. Karr and seconded by Mr. Tolerico. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, John O’Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

Ms. McGovern returned to the dais and rejoined the Board.

**ORDINANCES:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**LIAISON REPORTS:**

***Township Committee*** – Janis McGovern

Ms. McGovern had nothing to report.

***Environmental Commission*** – Suzanne Howell

Ms. Howell had nothing to report.

***Sustainable Andover*** – Eric Olsen

Mr. Olsen 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 said they are scheduled to meet on the upcoming Friday.

***Redevelopment Subcommittee*** – Joseph Ordile

Mr. Ordile said the subcommittee met with Ms. Caldwell and discussed permitted accessory and conditional uses they would like to see in the redevelopment areas. He said Ms. Caldwell is putting together a draft redevelopment plan.

***Master Plan Subcommittee*** – Joseph Ordile

Mr. Ordile said they met and discussed a proposed RFP and sent it to the Board Members for feedback. He said Mr. Brigliadoro sent additional legal forms to add to the RFP. Mr. Ordile felt it was an overkill and was not necessary at this time. Mr. Stoner said that is not uncommon.

There was a discussion on the forms. Mr. Ordile will reach out to Mr. Brigliadoro for further discussion.

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$2,800.00	Applicant's Escrow
Harold Pellow & Associates	Board Work	\$130.00	Engineering Budget
Harold Pellow & Associates	BHT Properties Group	\$503.25	Applicant's Escrow
Weiner Law Group	Board Work	\$480.00	Legal Budget
Weiner Law Group	Richard Jump	\$112.00	Applicant's Escrow
Weiner Law Group	Board Work	\$160.00	Legal Budget
Weiner Law Group	Richard Jump	\$1,392.00	Applicant's Escrow

A motion to approve the bills as presented was made by Mr. O'Connell and seconded by Mr. Olsen. Roll Call: Janis McGovern – abstain, Eric Olsen – yes, Suzanne Howell – yes, John O'Connell – yes, Richard Skewes – yes, Joseph Ordile – yes, Joseph Tolerico – yes, Eric Karr – yes, Paul Messerschmidt – yes. Motion passed.

**CORRESPONDENCE:**

- 1.) From: Sussex County Department of Engineering & Planning  
Re: Exempt Site Plan for Block 105, Lot 11 – Andover Regional Board of Education

**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, 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:** December 7, 2021, December 21, 2021

**ADJOURNMENT:**

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

Respectfully submitted,  
Stephanie Pizzulo  
Land Use Board Administrator