



ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board
Municipal Building
134 Newton Sparta Road
MINUTES
May 30, 2023
7:30 p.m.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Mr. Messerschmidt led everyone 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 Municipal Building, located at 134 Newton Sparta Rd., 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:

Eric Karr - Present
Eric Olsen – Present
John Carafello – Present
Suzanne Howell – Present
Richard Skewes – Excused
Joseph Ordile – Present
Krista Gilchrist – Present
Sean Degan – Present (8:03pm)
Paul Messerschmidt – Present

Also Present:

Richard Brigliadoro, Esq.
Cory Stoner, PE
Stephanie Pizzulo, Secretary

ADMINISTRATIVE ITEMS:**Approval of Minutes:** May 16, 2023

A motion to approve the minutes of the May 16, 2023 meeting minutes with the noted correction was made by Ms. Gilchrist and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Paul Messerschmidt – yes, Motion carried.

RESOLUTIONS:**1.) Always Comfy** B: 100, L: 2 Application # A22-2

A motion to memorialize the resolution granting an extension of variance approval in the matter of Always Comfy was made by Ms. Howell and seconded by Mr. Ordile. Roll Call: Eric Olsen – yes, Suzanne Howell – yes, Joseph Ordile – yes, Paul Messerschmidt – yes, Motion carried.

COMPLETENESS REVIEWS: None.**HEARINGS:****1.) National Land Developers** B: 151, L: 21 Concept # C22-6

Mr. Brigliadoro explained that this is an informal review by the Board for a concept that is being presented on behalf of the applicant. He said this is not a public hearing, there would be no witnesses sworn, and the developer is not bound by any representation nor is the Board bound by anything concerning the matter. He said the Municipal Land Use Law allows the process.

Mr. Michael Selvaggi, Esq. said the property is currently the subject of the application by BHT. He said National Land Developers has an opportunity to develop the property with warehousing which is permitted in the Route 206 Redevelopment Plan. He said they could conform to the bulk standards as it relates to warehousing and it would be a conforming application. He said Mr. Lawrence DiVietro, PP with Land Dimensions Engineering and Mr. Joseph Marley of National Land Developers were present to present the concept.

Mr. DiVietro said they developed a conceptual plan that they felt was a good use of the property and is compliant with the zone. He said he looked at historical aerial photos of the property, which shows that in 1956 it was vacant land, and then in 1970 the airstrip is present. He said around 2015 it looked like the use discontinued. Mr. DiVietro said the entire tract of land is about 97 acres and gave a description of the property including the wetlands. He said it is about 9 miles from Route 80 and not in a sewer service area so they would have onsite septic. He said about 22 acres are encumbered by wetlands and wetland buffers and usable land is about 75 acres. He said the property is in the Commercial Industrial zone district and in June of 2021, the town adopted the Route 206 Redevelopment Plan, which mandates the design criteria. He said they are proposing dry, clean warehousing storage in two buildings in the first

phase, with the closet to the road at 121 feet. He explained the building and impervious coverage and building height and said they would be below all of those coverages. He said one building would be 500,000 square feet and one would be 247,000 square feet. He said the development would be much less than the intensity permitted.

He explained the future development area, which would be able to facilitate an additional building, and they would still be under the maximum allowable impervious coverage.

He said they would have a single entrance off Stickles Pond Road, which would not be adjacent to any residences, and another access point to the west of that. He said they would use the current airstrip as internal circulation. He explained the building locations on the site. He said they are proposing a 75-foot buffer along the entire front of the property with a six-foot landscape berm and signage.

Mr. DiVietro presented a rendering of a comparable building design. He said the lighting design would adhere to the “Dark Skies” standards and the lights would be no higher than 20 feet. He said they could comply with the ordinance requirements for noise. Mr. DiVietro said the construction would take 10 to 12 months; traffic would be typical of warehousing uses and felt it complied with the zoning plan of the redevelopment plan. He explained the Hamlet Center would allow for a much higher density project in this area.

Mr. DiVietro said the traffic would be from Route 206 to the site and explained how the vehicles would enter the site and circulate the interior of the site. He said the developer would agree to no left turns out of the site onto Stickles Pond Road and they would designate a portion of the property for green space.

Mr. Stoner asked if they had done traffic circulation and turning movements calculations for the site to which Mr. DiVietro said they did. He said all of the turning, loading and truck traffic could be accommodated.

Mr. Stoner asked about the wetlands on the property and how stormwater runoff would be handled. Mr. DiVietro said the wetland delineation is still under review at the D.E.P. and there are certain permits they can get, or they could avoid the wetlands. He said the stormwater runoff could be designed to be accommodated on the site.

Mr. Stoner asked about the wetland delineation. Mr. DiVietro said the former applicant has done the delineation and he has a consultant reviewing that.

Mr. Stoner asked about the type of materials being stored in the warehouse. Mr. DiVietro said once they know who the user is they would be able to determine what is stored. Mr. Marley said they have been working with a cold storage center or a placement center. He said they would

bring the product in and store it until it is sent out to another location. He said it would not be designed for a “beehive” or fulfillment type operation. He said it is a good location for cold or dry storage. He said cold storage and dry storage is what is found in a local supermarket. He explained the process to the Board. Mr. DiVietro explained different types of warehouses.

Mr. Karr asked if they are building a “case or pallet” pick warehouse as opposed to a “piece” pick warehouse. Mr. DiVietro explained this site is better for a pallet pick warehouse. Mr. Marley said they do not have their end user yet. He said they do not intend to have multiple users in one building. Mr. Karr asked about electric vehicles. Mr. Marley said they do have a client who has all electric trucks. Mr. Karr asked that if the applicant were to have a large number of electric vehicles to think about a fire suppression system to handle it.

Ms. Gilchrist asked if the access lane with the trees in the center would be big enough. Mr. DiVietro said it would be designed to keep queuing trucks off Stickles Pond Road.

Ms. Gilchrist asked about the parking area. Mr. DiVietro said the parking would be based on the user and their required number of employees. Ms. Gilchrist noted there are design standards in the Route 206 Redevelopment Plan.

Mr. Olsen asked if there was an approximate number of employees. Mr. DiVietro said it would depend on the end user. Mr. Olsen asked if separate tenants would operate the two buildings. Mr. Marley said it would most likely be one tenant. Mr. Olsen asked about the hours of operation. Mr. DiVietro said it would depend on the end user but the offices would be typical business hours. Mr. Marley said typically, there is not a lot of employees during the night hours. Mr. Olsen asked about the future development area and if there are plans for that area. Mr. Marley said they looked at what could be put there. Mr. DiVietro said they could comfortably fit another 200,000 square foot building in there. Mr. Olsen asked about the proposed community park. Mr. DiVietro felt it is not usable for development and it is appropriate for a park because it is near the pond. Mr. Olsen asked if they would be open to ideas for the space to which Mr. Marley said yes.

Mr. Messerschmidt asked if they would develop the open space or just set it aside. Mr. Selvaggi said they would deed it to the Township. Mr. Messerschmidt asked for an idea of the truck traffic. Mr. DiVietro said trip generation for a typical warehouse is daily vehicle traffic of 1270 vehicles in and out of the site. There was a discussion on the amount of truck traffic.

Mr. Messerschmidt asked if the applicant had considered exiting the rear of the property directly onto Route 206 and not affecting Stickles Pond Road. He said the Pequest cuts under Route 206. Mr. DiVietro said they would have to cross the tributary. Mr. Marley said St. Abbey’s owns the property. Mr. Messerschmidt said Thor Labs owns part of it. Mr. Marley said they could look at that. There was a discussion on the location of the Pequest and the

possibility of crossing the property owned by Thor Labs. Mr. Stoner said it would require a new D.O.T. permit. Mr. Marley said they did discuss this with the St. Abbey's property owners.

Ms. Howell asked if the tractor-trailers parked overnight onsite. Mr. DiVietro said they would be parked in the loading zone. Mr. Marley said each owner is different; some own their own trucks and some leave after the delivery. Ms. Howell asked if the loading is in the back of each building. Mr. DiVietro explained the loading. Ms. Howell suggested putting the loading behind each building. Ms. Howell asked if they would use the existing E.I.S. Mr. DiVietro said they would develop their own E.I.S.

Mr. Ordile asked if there would be one tenant per building. Mr. Marley said they were not planning to divide the buildings up. Mr. Ordile asked if the tenant were to leave, would the applicant return to the Board with a new user. Mr. Marley said if it were a warehouse user, they would not need to come back to the Board. He said the tenant might be the owner. There was a discussion on when a tenant would have to return to the Board for approval.

Mr. Ordile asked if the tenant would own all of the trucks delivering to the property. Mr. Marley said it would depend on the tenant as each user is different.

Mr. Ordile asked about the small wetland areas. Mr. DiVietro said there are a few small isolated wetland areas, which are subject to being filled in with a D.E.P. permit. He said the wetlands consultant is reviewing to see if they could be filled.

Mr. Ordile expressed a concern with the entrance to the north on Stickles Pond Road and wanted to see that used for emergency vehicles only. Mr. DiVietro said the primary entrance could be controlled with signage. Mr. Marley said the northerly access would be for employee access. Mr. Ordile asked if there would be a guardhouse at the truck entrance to which Mr. Marley said no. Mr. Ordile asked if there would be fencing around the property to which Mr. DiVietro said no because they would not have outdoor storage. Mr. Ordile asked about the grade of the berm. Mr. DiVietro explained the proposed berm and landscaping which would screen the view and help buffer any sound. Mr. Ordile asked if the use was permitted or a conditional use in the Hamlet. Mr. Stoner said the Hamlet is an overlay zone and they can use one or the other. Mr. Ordile said the Township has a noise standard that is stricter than the State standards. Mr. DiVietro was aware of that. Mr. Ordile asked about the truck trips per day. Mr. DiVietro explained the different types of warehouse uses, the peak hour trips and the average daily trips. Mr. Stoner suggested providing live traffic studies from similar sites. Mr. Olsen requested a noise study as well.

Mr. Ordile asked for the number of truck bays to which Mr. DiVietro said there are 160 between the two buildings.

Mr. Carafello asked about fire suppression and water tanks, to which Mr. Marley said they would be provided. Mr. Carafello suggested the second access be used for employees because he did not like the cars mixed with the trucks.

Mr. Stoner asked how they would handle the existing vegetation and the proposed new landscaping. Mr. DiVietro said they would design the proposed landscaping to fit in with the existing landscaping. Mr. Stoner suggested they present sight line examples to show the Board. Mr. Stoner asked if everything would be stored inside including the trash enclosures to which Mr. Marley said yes.

Mr. Karr requested a traffic study for Route 206 to give a scale of the traffic on that road.

PUBLIC PORTION:

Mr. Messerschmidt moved the public portion up on the agenda so members of the public could ask questions about the concept presentation.

Mr. Messerschmidt read the following into the record:

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. Please come forward when recognized and state your name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. 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.

Mr. Charles Sadowski a resident of Andover asked where the trucks would be coming from. Mr. DiVietro explain the trip generation and the Institute of Traffic Engineers general calculations of a general warehouse. Mr. Sadowski said the tunnel on Route 206 is proposed to be replaced and felt it is very restrictive to not allow the trucks down Newton Sparta Road to access Route 15.

Mr. Neil Hubbard of Andover asked if the size of the trucks for the secondary distribution would be smaller than tractor-trailers. Mr. Marley said they would be tractor-trailers. Mr. Hubbard said Route 206 would be closed for over a year with the tunnel construction. He felt the Board should consider this. Mr. Stoner said it is a big concern however; the Board could not stop development for the tunnel construction. Mr. Selvaggi said it would take time to get approvals and build the project. He felt the Route 206 project could be finished before the concept project is completed.

Ms. Alice Romano of Andover asked how long the proposed applicant had been considering the property to which Mr. Marley said about eight months. Ms. Romano asked if they would be doing a new traffic study to which Mr. Marley said yes. Ms. Romano asked if they would have generators onsite to which Mr. Marley said they usually have some sort of backup system. Mr. DiVietro said a cold storage facility of this size would have a generator. Ms. Romano asked if they would be conducting an economic study. Mr. DiVietro said they would if it was required by ordinance. Ms. Romano asked about the hours of operation to which Mr. DiVietro said they were not sure at this time. Ms. Romano asked if the warehouse would be a permitted use or a conditional use. Mr. Selvaggi said it is a conditional use in the redevelopment plan.

Mr. Charles Sadowski asked why the trucks are being sent to Route 206 when they could go down Newton Sparta Road to Route 15. Mr. Stoner felt the intersection at Yates Ave. and Stickles Pond Road was not made to handle that type of truck traffic. Mr. Stoner said the employees could use Newton Sparta Road. Mr. Karr suggested everyone keep an open mind about the traffic until the traffic study was completed.

Ms. Diane Gillespie of Andover asked why the people on the live stream are not permitted to interact with the Board. Mr. Briadoro explained that the Department of Community Affairs allowed a process to continue public meetings virtually during the pandemic only. He said the Board is a quasi-judicial Board and all testimony is taken under oath and if someone wanted to address the Board, they would need to be sworn in. Mr. Messerschmidt said if someone wants to address the Board, they could appear in person. Mr. Carafello said someone could appeal a decision if they could not get online or had technical problems.

With nobody else coming forward, the meeting was closed to the public.

Mr. Selvaggi said once his client makes a decision, they would convey that to Mr. Stoner. He felt the concept meeting was very helpful.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS:

Mr. Messerschmidt advised the Board that if a discussion arises that the Board Attorney feels is not within the Board's jurisdiction to discuss, the discussion should cease to continue.

VOUCHERS:

Company	Purpose	Amount	Paid By
Vogel, Chait, Collins & Schneider	BHT Properties Group	\$800.00	Applicant's Escrow

A motion to approve the voucher was made by Ms. Howell and seconded by Mr. Olsen. Roll Call: Eric Karr – yes, Eric Olsen – yes, John Carafello – yes, Suzanne Howell – yes, Joseph Ordile – yes, Krista Gilchrist – yes, Sean Degan – yes, Paul Messerschmidt – yes, Motion carried.

CORRESPONDENCE: None.

UPCOMING MEETINGS: June 13, 2023, June 20, 2023

ADJOURNMENT:

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

Respectfully submitted,

Stephanie Pizzulo
Land Use Administrator