

# ANDOVER TOWNSHIP LAND USE BOARD

Date Submitted: 1-9-24

Application # A24-1

## LAND USE APPLICATION

Property Address: 38 Yate ave Block: 124 Lot: 7

Project Name: \_\_\_\_\_

### 1. APPLICANT

Name: ANDRE Andutchuk  
Address: 13 King Rd  
Landing NJ 07850  
Phone: 973 885-7073 Fax: \_\_\_\_\_  
Email: AANDRE@LIVE.COM  
Interest in Property: Owner.

### 2. PROPERTY OWNER

Name: Bive Investing LLC  
Address: 13 King Rd  
Landing NJ 07850  
Phone: 973 885-7073 Fax: \_\_\_\_\_  
Email: AANDRE@LIVE.COM

### 3 TYPE OF APPLICATION (CHECK ALL THAT APPLY)

- |  |  |
|--|--|
| <input type="checkbox"/> Minor Subdivision               | <input checked="" type="checkbox"/> Use (d) Variance *                                 |
| <input type="checkbox"/> Preliminary Major Subdivision * | <input type="checkbox"/> Bulk (c) Variance *   |
| <input type="checkbox"/> Final Major Subdivision         | <input type="checkbox"/> Appeal (a)  |
| <input type="checkbox"/> Minor Site Plan                 | <input type="checkbox"/> Interpretation (b) *  |
| <input type="checkbox"/> Preliminary Major Site Plan *   | <input type="checkbox"/> Other (informal, Planning Variance,<br>Extension of Approval) |
| <input type="checkbox"/> Final Major Site Plan           | <input checked="" type="checkbox"/> Conditional Use *                                  |

\* Legal advertisement and notice is required to all property owners within 200 feet.

### 4. ATTORNEY (A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNESHIP MUST BE REPRESENTED BY A NEW JERSEY ATTORNEY)

Name: Horlacher Law  
Address: 2 Main St Branchville NJ  
Phone: 973 940 3160 Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

5. APPLICANT'S PROFESSIONALS (ENGINEER, PLANNER, SURVEYOR, ARCHITECT ETC...)

Name: <u>Matthew Smetana</u> Profession: <u>Architect</u> Address: <u>64 Sunset Lake Rd</u> <u>Sparta NJ 07891</u> Phone: <u>973 222 7988</u> Fax: _____ Email: _____	Name: <u>John Mc Donough</u> Profession: <u>Professional Planner</u> Address: <u>101 Gibraltar Dr 1A</u> <u>Morris Plain NJ 07950</u> Phone: <u>973 222 6011</u> Fax: _____ Email: _____
Name: _____ Profession: _____ Address: _____ <u>N/A</u> Phone: _____ Fax: _____ Email: _____	Name: _____ Profession: _____ Address: _____ <u>N/A</u> Phone: _____ Fax: _____ Email: _____

6. LOCATION OF PROPERTY

Street Address: 38 Yate ave Block(s): 124  
 Tract Area: \_\_\_\_\_ Lot(s): 7  
 Zone: R-1  
 Tax Map Sheet # \_\_\_\_\_ Nearest Cross Street Stickle Pond Rd

7. LAND USE

Existing Land Use: 2 Family

Proposed Land Use: Please describe in detail the project you are proposing and why you may need a particular variance.  
2 Family

Describe the current condition of the property and any features that affect the property. (e.g., septic/well location, rock outcrop, wetlands, mature trees, lake shore, steep slopes, flood plains, ridge lines etc....) Applicant must be prepared to explain hardship reason to the Board. Septic well, 2 unit house, slight slope front to b

8. PROPERTY

Number of Existing Lots: 1 Are there existing deed restrictions or easements? No

Number of proposed lots: 1 Are there proposed deed restrictions or easements?: No

List all existing and proposed non-conforming conditions or uses: 2 Family in R-1 zone.

9. APPLICATION SUBMISSION MATERIALS

List all plans, reports, photos etc. (use additional sheets if necessary): Architectural plan of AS is layout Survey, google byive by 2009, 2016, 2013, 2019; tax Assessment Card. Proposed Elevations & Drawings; 2.110w rental history

10. PREVIOUS OR PENDING APPLICATIONS

List all previous or pending applications for this parcel (use additional sheets if necessary): N/A.

11. ZONING SCHEDULE (COMPLETE ALL THAT APPLY)

	REQUIRED	EXISTING	PROPOSED
Lot Area	43560	14352	14352
Lot Depth		133.39	133.39
Frontage	200	132.46	132.46
Front Yard Setback		68.95	55'±
Left Side Setback		8.57/14.23	8.57/14.23
Right Side Setback		15.67/12.02	15.67/12.02
Rear Yard Setback		33'	31.5'± - (Deck)
Building Height	35	15.72'	
Maximum Lot Disturbance			
Critical Lot Disturbance			
Open Space			
Parking Setbacks			
Parking Spaces			
Loading Spaces			

12. OWNER'S AUTHORIZATION FOR SITE INSPECTION

I hereby give permission for Andover Township Municipal agencies and their agents to come upon and inspect these premises with respect to the land use application for premises known as Block(s): 124, Lot(s): \_\_\_\_\_ in Andover Township, New Jersey.

Applicant Signature

Date

13. RELIEF REQUESTED (CHECK ALL THAT APPLY)

Zoning Variances

"A" Administrative Appeal

"B" Interpretation

"C" Bulk Variance

"D" Use Variance

Planning Variance

Other \_\_\_\_\_

Individual Variance Applications:

Height variance – The maximum allowable height in the zone is \_\_\_\_\_ feet. The proposed structure will stand \_\_\_\_\_ feet.

Use Variance – The structure will be designed for use as a 2 Family, a non-permitted use in the R-1 zone.

Planning Variance (N.J.S.A. 40:55D-35 & 36)

Conditional Use variance

Expansion of a non-conforming use.

Other: \_\_\_\_\_

Substandard Lot Case:

Notice to all applications regarding vacant substandard lots: The Andover Township Land Use Board strongly recommends the Buy/Sell (see addendum) letter be followed in corresponding with abutting property owners. Applicants are not required to use the exact wording on the form (the wording may be modified for individual applicants is appropriate); the substance of the form must be followed. The Buy/Sell letter must be sent at least twenty (20) days in advance of your scheduled hearing date for completeness by both certified and regular mail. Failure to comply will delay a hearing on this matter. You must be prepared at the hearing date to offer into evidence the Buy/Sell letter and any response. Responses must be in writing. The Buy/Sell letter is in addition to the required statutory notice you must give to all property owners within 200 feet as well as those other entities entitled to notice by law.

Exceptions from Municipal requirements (N.J.S.A. 40:55D-51)

Exceptions from New Jersey Residential Site Improvement Standards (R.S.I.S.) (N.J.A.C. 5:21-3.1)

Waivers from New Jersey Residential Site Improvement Standards (R.S.I.S.) (N.J.A.C. 5:21-3.2) requires application to and approval of the New Jersey Site Improvement Advisory Board.

For any type of the above relief requested, a separate exhibit should be attached stating the factual basis, legal theory, and/or previous granted relief.

14. SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or that I am an officer of the Corporate applicant and authorized to sign the application for the Corporation, or a general partner of the partnership application.

[Signature]  
Signature (Applicant)      10/27/23  
Date

ANDRE Andre Tchuk  
Print Name

Sworn & Subscribed to before me this  
27<sup>th</sup> day of October, 2023 (year)

Maureen E Hrelja (notary)

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D.# 50133435

15. CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, herby consent to the making of this application and the approval of the plans submitted here within. I further consent to the inspection of this property in connection with this application as deemed necessary by the Land Use Board and its professionals. I further consent that all fees must be paid in accordance the Land Use Board application, and in the event the applicant does not pay all appropriate fees, including application and escrow fees, the landowner consents to have any unpaid balance placed as an added assessment against the property at issue, to be collected by the Township Tax Collector's Office.

[Signature]  
Signature (Applicant)      10/27/23  
Date

Andre Andre Tchuk  
Print Name

Sworn & Subscribed to before me this  
27<sup>th</sup> day of October, 2023 (year)

Maureen E Hrelja (notary)

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D.# 50133435

16. DISCLOSURE STATEMENT

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots?  Yes  No
- Is this application for a variance to construct a multiple dwelling of twenty-five (25) or more units?  Yes  No
- Is this application for approval of a site (or sites) for non-residential purposes?  Yes  No
- Is the applicant a corporation?  Yes  No
- Is the applicant a limited liability corporation?  Yes  No
- Is the applicant a partnership?  Yes  No

Pursuant to N.J.S.A. 40:55D-48.1 a corporation or partnership applying to a planning board or board of adjustment or to the governing body of a municipality for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes shall list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be.

List the names and addresses of all stockholders or individual partners owning at least 10% in stock of any class or at least 10% of the interest in partnership (whichever is applicable) on Appendix attached.

10/24/23

Applicant signature

Date

17. SURVEY WAIVER CERTIFICATION

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of 10-18, 20 23 shows and discloses the premises in its entirety, described as Block(s) 129 Lot(s) 7; and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

10/27/23

Signature (Applicant)

Date

Andre Andradottir

Print Name

Sworn & Subscribed to before me this

27<sup>th</sup> day of October, 20 23 (year)

Maureen E Hrelja (notary)

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D.# 50133435

18 ESCROW AGREEMENT

As Applicant, I understand that monies associated with this application have been deposited in an escrow account in accordance with Andover Township's Ordinances. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of the submitted materials, any communications with the Board's or Township's Professionals as chargeable time. Sums not expended in the review process will be refunded. If additional sums are necessary, I understand that I will be notified of any additional amount and shall replenish the escrow account within 20 days of notification. Additionally, until such funds are fully replenished, no further consideration, review, processing of any pending application shall be permitted by the Land Use Board, nor shall any further inspections be performed by or on behalf of the Township until such additional escrow has been deposited. Failure to post sufficient escrow funds to cover costs incurred or anticipated shall toll the period for action by the approving authority, as required by N.J.S.A 40:55D.1 et. seq. and particularly N.J.S.A.40:55D.51 and N.J.S.A. 40:55D.73 thereby barring an applicant from seeking a default approval under N.J.S.A. 40:55D-10.4.

The written notice referred to in this paragraph shall be sent to:

Name: Andre Androtchuk

Address: 13 King Rd Landing NJ 07850

Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be in the form of a letter requesting the additional sums.

After a period of forty-five (45) days from the notice from the Township, the applicant's failure to deposit the additional funds shall be grounds for denial of the application or for the dismissal of the application without prejudice. In the event the Board approves the application, the obligation to pay for professional plan reviews by depositing the funds in escrow shall be a condition of the approval granted by the Board. If the escrow funds are depleted, after the application is filed or granted, the applicant, shall pay additional funds upon demand within the aforementioned (20) day period. The failure to pay, the demanded funds may also result in a voiding of any prior approvals upon due notice to the applicant by the Board. In addition to the foregoing, the applicant hereby agrees that in the event the reasonable and necessary amounts charged by the professionals for review of the application are not paid, the outstanding fees shall be placed as an added assessment against the property at issue, to be collected by the Township Tax Collector's office.

[Signature]  
Signature (Applicant)  
10/27/23  
Date

Andre Androtchuk  
Print Name

Sworn & Subscribed to before me this

27<sup>th</sup> day of October, 2023 (year)

Maureen E Hrelja (notary)

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D.# 50133435

Name of Corporation, Partnership, LLC or LLP: Blue Investing LLC

Listed below are the names and addresses of all owner of 10% or more of the stock/interest\* in the above referenced corporation, partnership, limited liability corporation (LLC) or limited liability partnership (LLP):

	NAME	ADDRESS
1	Andre Andatchuk	13 King Rd Landing NJ 07850
2		
3		
4		
5		
6		
7		
8		
9		
10		

\*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or greater interest in a partnership, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock or of 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% ownership criterion established have been listed.

  
 Signature (Applicant) 10/27/23  
 Date  
Andre Andatchuk  
 Print Name

Sworn & Subscribed to before me this  
27<sup>th</sup> day of October, 2023 (year)  
Maureen E Hrelja (notary)

**MAUREEN E HRELJA**  
 Notary Public  
 State of New Jersey  
 My Commission Expires Aug. 3, 2025  
 I.D.# 50133435



### Sample Notice of Hearing

PLEASE TAKE NOTICE that the undersigned has made an application to the Andover Township Land Use Board for property known as Block(s) 124, Lot(s) 7, located at 38 Yates Ave.

In addition, the applicant will request such variances, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Land Use Board.

This application is now on the calendar for the Andover Township Land Use Board and a public hearing has been set for \_\_\_\_\_ at the Andover Township Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860 at 7:30 p.m. When the case is called, you may appear either in person or by attorney to present any evidence, which you may have regarding the application. The matter will be heard on the above date or any adjourned date designated by the Land Use Board at the public meeting without additional notice.

The maps, plans, plats and application for which approval is being sought are on file with the Land Use Board Secretary and are available for inspection at the Municipal Building during normal business hours.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice must be published at least **10 days prior** to the meeting. Publish in the New Jersey Herald or the Sunday Herald newspaper:

To place the ad call: 844-994-0716 opt 3

23. NOTICE OF HEARING (APPENDIX V)

To property owners within 200 feet of subject parcel to the heard before the Land Use Board

In accordance with the requirements of the Andover Township ordinances and Municipal Land Use Law N.J.S.A. 40:55D-12 of the Revised Statutes of New Jersey, you are hereby notified that an application has been filed by the undersigned with the Land Use Board. The application and plans are available for examination in the Land Use Board Office during normal business hours.

Take notice that a public hearing will be conducted before the Land Use Board in connection with this application at the Andover Township Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at 7:30p.m.

Property Involved:

Street Address: 38 Yate Ave.

Block(s): 124 Lot(s): 7

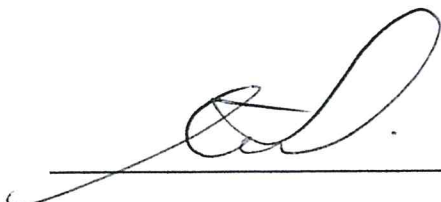
Present Use: 2 Family

Proposed Use: 2 Family

Nature of relief or variance requested:  
was build as a 2 Family and used as a 2 Family.

and any other variances, waivers or approvals deemed necessary by the Land Use Board.

Further take notice that said Land Use Board may at its discretion, adjourn, postpone, or continue the said hearings from time to time, and you are hereby notified that you should make diligent inquiry of the Land Use Board Secretary concerning such adjournments, postponements or continuations.

  
\_\_\_\_\_  
Applicant

Andover Township Land Use Board

Affidavit of Service

STATE OF NEW JERSEY:

SS:

COUNTY OF SUSSEX:

*Morris*

The undersigned, of full age, being duly sworn according to law, on his/her oath deposes and says that he/she is the APPLICANT or AGENT and that he/she did on \_\_\_\_\_, at least ten (10) days prior to the hearing date, give personal notice to all property owners within 200 feet of the property known as Block 124, Lot 7, with a street address of 38 Yates Ave, in the R-1 zone, Andover Township, County of Sussex, State of New Jersey, and all public utility and cable television companies serving the municipality by Certified Mail – Return Receipt requested. A copy of the Notice (Exhibit "A") and the registered receipts are attached.

Notices were also served upon utilities, County Planning Department, N.J.D.O.T. etc...if applicable.

Notice was also published in the New Jersey Herald, the official newspaper of the Andover Township Land Use Board as required by law, and Proof of Publication is attached (Exhibit "B"). Note: if proof of service has not been received from the newspaper, applicants may use a photocopy of the notice.

Attached (Exhibit "C") is a copy of the Certified List of Property owners within 200 feet of the affected property who were served, showing the block and lot numbers of each property as shown on the Andover Township Tax Map.

Sworn & Subscribed to before me this

*[Signature]* 10/27/23  
Signature (Applicant) Date

Andree Andreatta  
Print Name

27<sup>th</sup> day of October, 2023 (year)  
Maureen E Hrelja (notary)

**Notice:** Affidavit of Service must be filed with the Land Use Board Secretary at least three (3) days prior to hearing or the matter will not be heard.

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D.# 50133435

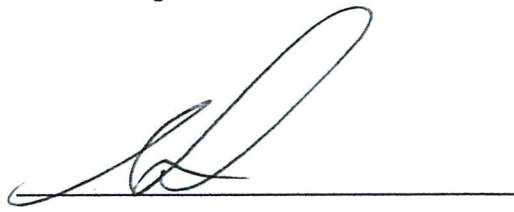
25. AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

SS

COUNTY OF ~~SUSSEX~~ Morris

Andre Andrutchuk of full age, being duly sworn according to law on oath  
deposes and says, that the deponent resides at 13 King Ave Landing NJ in the municipality  
of Landing, in the County of  
Morris and the State of NJ; that  
Andre Andrutchuk is the owner in fee of all that certain lot, piece of land  
situated, lying, and being in the municipality aforesaid, and known and designated as  
number 38 yates ave



Owner Signature

  
Andre Andrutchuk 10/27/23  
Signature (Applicant) Date  
Andre Andrutchuk  
Print Name

Sworn & Subscribed to before me this  
27<sup>th</sup> day of October, 2023 (year)  
Maureen E Hrelja (notary)

MAUREEN E HRELJA  
Notary Public  
State of New Jersey  
My Commission Expires Aug. 3, 2025  
I.D # 50133435

Authorization

(If anyone other than above owner is making this application, the following authorization must be executed)

To: The Land Use Board:  
\_\_\_\_\_ is hereby authorized to make the within application.  
\_\_\_\_\_  
Owner's Signature Date

Adjoining Property Owner

Street Address

Andover, NJ 07860

Re: Block: 124, Lot: 7

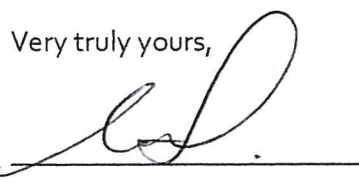
Dear Adjoining Property Owner:

I own an adjacent to your lot and I am applying to the Andover Township Land Use Board for a variance to <sup>use</sup>~~construct~~ as 2 Family. In this case, our lot is undersized under the current Andover Township ordinances.

The purpose of this letter, in addition to the variance notice which you will be served with, is to inquire whether you have any interest in either: (a) purchasing this lot at its fair market value as a building lot (which assumes the variance has been granted), or (b) selling additional land to us in order to make the lot conforming or more conforming.

You should be aware that in the event you purchase the lot as a building lot at its fair market value, it would have to be merged with your lot and not remain a separate building lot. It is important to emphasize that the price we would be entitled to request would be a building-lot price and not a mere raw acreage.

Nevertheless, the purpose of this letter is to inquire of our as adjoining property owners of your interest in the matter and if you have no interest in buying or selling as described above to let the land use Board know of your position. Would you please indicate on a copy of the letter enclosed your position with respect to this letter, which I will provide to the Land Use Board?

Very truly yours,  


Applicant

Via Certified mail, RRR# \_\_\_\_\_ & Regular Mail

cc: Andover Township Land Use Board Secretary

I have and interest.

I have no interest.

Ms. Daryn Cashin, CTC  
Andover Township  
134 Newton-Sparta Road  
Newton, NJ 07860

I hereby certify that the real estate taxes are paid currently on:

Block(s): 124

Lot(s): 7

Address: 38 Yates ave.

  
Andover Township Tax Collector

11/7/23  
Date

**Fee: \$10.00**

Checks or money orders made payable to Andover Township.

Please enclose a self-addressed, stamped envelope.

Fee Paid: \$ 10.00

Date: 11/7/23

# 1339  
Blue Investing

21. REQUEST FOR CERTIFIED LIST OF PROPERTY OWNERS (APPENDIX III)

I am requesting a list of property owners within two hundred feet (200') of the following subject property:

Address: 38 Gate ave.  
Owner: Blue Investing LLC  
Block: 124 Lot: 7

Requestor's  
Name: Andre Andrutchuk  
Address: B King Rd Landing NJ 07850  
Email: AA NDRE@Live.com  
Phone: 973 885 7073

  
Signature

10/24/23  
Date

**Fee: \$10.00 per list** (Separate fee for each block and lot)

Please enclose a self-addressed, stamped envelope.

Mr. Jack Marchione, CTA  
Andover Township  
134 Newton-Sparta Road  
Newton, NJ 07860

Fee Paid: \$10.00

Date: 11/7/23

Blue Investing #1330