

AMENDMENT TO THE MASTER PLAN LAND USE PLAN ELEMENT

Andover Township Sussex County, New Jersey

March 22, 2010
with corrections

Prepared by the Andover Township Land Use Board

with assistance from

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The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

**Township of Andover
Land Use Board – 2010**

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I. Introduction

This Amendment to the Andover Township's Master Plan Land Use Plan Element modifies one of the seven Industrial zone districts in Andover Township in order to expand the range of permitted uses which are deemed appropriate based upon the character of the area in question and of the surrounding land development patterns. The modified district is to be reclassified from Industrial to General Industrial and will permit the manufacturing of concrete and asphalt products.

The remaining five Industrial zone districts and the Industrial-Airport 2 zone district (Exhibit 1) are not altered by this Master Plan Amendment, however; as indicated in the [pending] March 22, 2010, **Andover Township Master Plan Reexamination Report**, additional study of these districts is in order. Several areas are likely candidates for rezoning to a public/open space type of designation in consideration of land ownership by the State of New Jersey, Department of Environmental Protection / Green Acres Program and the non-profit land preservation organization, Nature Conservancy. Other districts remain suitable for the types of land use activities currently permitted but may also benefit from greater flexibility to permit office and retail uses as well.

II. Andover Township Master Plan and Planning Studies History

1. Evaluation of Groundwater Resources of Andover Township, Sussex County, New Jersey: December 17, 2009
2. Amendment to the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations: May 12, 2008
3. Periodic Reexamination Report of the Master Plan and Development Regulations: December 18, 2007
4. Natural Resource Inventory: February 2007
5. Build-Out and Capacity Analysis: May 1, 2007
6. Master Plan Reexamination Report: October 15, 2005; Revised October 31, 2005
7. Amendment to the Master Plan Residential Land Use Plan and Resource Conservation Element: October 15, 2005
8. Housing Plan and Fair Share Plan: October 15, 2005
9. Stormwater Management Plan: April 2005
10. Andover Township State Plan Cross Acceptance Report: December 18, 2004
11. Andover Township Sussex County Strategic Growth Report: December 18, 2004
12. Master Plan Amendment: May 15, 2000
13. 2000 Master Plan Reexamination Report: April 10, 2000
14. Natural Resource Inventory 1999
15. Amendment to Andover Township Master Plan: adopted March 16, 1998
16. Wastewater Management Plan: Revised February 1997
17. Housing Element / Fair Share Plan: adopted June 3, 1996
18. Wastewater Management Plan: Revised December 1996
19. Housing Element / Fair Share Plan: May 15, 1995
20. Master Plan Reexamination Report: 1994

21. Master Plan "From 1989 to 1992": December 7, 1992
22. Route 206 Corridor [Study]: September 1991
23. 1989 Master Plan: September 1989, adopted on August 21, 1991
24. Master Plan Reexamination Report: adopted November 15, 1982
25. Andover Township Recreation Master Plan: 1978
26. Andover Township Master Plan: 1976
27. A Comprehensive Development Plan (1958/9 estimated)

III. Industrial Zoning in Andover Township

Andover Township has included Industry among its permitted zoning dating back some fifty years. In an undated Master Plan which was adopted sometime in the late 1950's the need to provide a balance of land uses in the Township was a guiding goal, as indicated in the following excerpt:

The proposals presented here look forward to the Andover of 1980 and beyond. The program of public works and capital expenditures appears extensive at first, but it must be remembered that this is a long-range program of many years duration. Many of the improvements called for will not be necessary for years to come. The important thing is to prepare now for public use at the least possible cost. This is possible through planning, for the Master Plan gives a guide by which, if followed, we can coordinate future development in Andover and preserve the basically rural character of the community while accommodating the industrial, commercial, and residential growth necessary for a stable economic base.¹ (Emphasis added.)

And, further, in an analysis as current today as it was a generation ago, the Master Plan stated:

Industrial Development

Of the utmost importance to Andover Township is the establishment of a broader economic base. It is necessary to develop some industrial uses in the community to meet this need. Only through industrial development will the Township find the ratables to keep the tax rate in check.

Once again there is a need to provide sufficient space for industrial sites yet not contradict the basic planning goal of maintaining a rural character in the community. Three areas which meet these requirements

¹ **A Comprehensive Development Plan Andover Township Sussex County, New Jersey**, prepared by Community Planning Associates, Inc., page 18.

are presented. The Hyper-Humus bogs in the northern part of the Township can be used industrially without detrimental effects on the surrounding land users. The Lime Crest area is shown expanded to permit other industries to take advantage of the railroad frontage. A road parallel to the tracks could provide access to the rear portions of the area if and when it develops. The third and largest site is the valley floor off Brighton Road along the Andover Borough boundary. This area is over 600 acres in size and is serviced by both railroad and highway facilities. Because of its location on the valley floor it will not be detrimental to Andover Borough or to the farms to the west.²

Among the Master Plan recommendations was a call to adopt zoning and subdivision regulations to implement its goals and objectives. In 1958 the Township did adopt a *Land Subdivision Ordinance* (November 25, 1958) and later a *Zoning Ordinance* (June 15, 1962). Article IX of the Zoning Ordinance established the Industrial Zone along with the range of permitted uses and development standards.

The list of permitted uses was quite extensive including, but not limited to, manufacturing of light machinery, various types of fabrication facilities, food processing, laboratories, administrative offices, wholesale establishments, lumber yards, truck terminals, airfields, and *concrete products*.

Of the three primary areas identified for Industrial zoning in the Master Plan, cited above, the northern areas containing the “*Hyper-Humus bogs*” has since been acquired by the State of New Jersey, Department of Environmental Protection / Green Acres Program. The area proximate to Andover Borough remains undeveloped and a portion of this area was identified in the Township’s 2005 *Amendment to the Master Plan – Residential Land Use Plan and Resource Conservation Element* as the location for a “town center” that would extend into Andover Borough.

The third area cited in the Master Plan, “*Lime Crest*”, is the location for the proposed General Industrial zone district. And indeed the “*Lime Crest*” area is shown in the Industrial zone on the May 1962 Andover Township Zoning Map.

The June 15, 1962 Zoning Ordinance also contained a list of prohibited uses in subsection 10 under Article VI, *General Regulations*, which read as follows:

Any use not specifically permitted in a zoning district established by this Ordinance is hereby specifically prohibited from that district, and the following uses and activities specifically prohibited in Andover Township.

² Ibid. Page 23.

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- a. All billboards, signboards, advertising signs or devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this Ordinance.*
- b. Carousel, roller coaster, ferris wheel, pony or train rides, midways, sideshows, and similar outdoor commercial recreation facilities.*
- c. Trailer coach parks.*
- d. Junk yards, automobile wrecking or disassembly yards, the sorting of baling of scrap metal, paper, rags, or other scrap or waster materials.*
- e. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products.*
- f. The use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.*
- g. Outdoor drive-in theaters.*

At some point thereafter, although as of this report no documentation has been discovered to assign a date or Ordinance number, this list of prohibited uses was expanded to include the following:³

- I. The mining, quarrying or other removal of solid rock, stone or ores and minerals.*
- J. Crushers, asphalt and concrete product plants.*

A review of Andover Township's Master Plans and associated Reexamination Reports (listed in Section II of this Report) does not reveal any discussion concerning the activities listed in 'I' and 'J', thus the basis for said prohibitions cannot be ascertained here nor does it affect the recommendation put forth in this Master Plan Amendment.

When Andover Township adopted its Industrial zoning 48 years ago, the municipality was a more rural, less populated municipality than it is today and a single Industrial zone classification, with a broad range of permitted uses, apparently satisfied the Township's land use objectives. Today, in 2010, the Andover Township Land Use Board finds that concrete and asphalt production are appropriate components of the Township's industrial zoning but should be segregated to the industrial area proximate to the quarry at the municipality's northeast boundary.

³ See Combined Land Use, Township of Andover, Chapter 190, §190-22.

IV. Location of the Modified Industrial Zone District

The area in question presently zoned as Industrial which is recommended to be reclassified as 'General Industrial' consists of lots 4.01 and 4.02 in Tax Block 108 and Lot 1 in Tax Block 108.01 and collectively comprise approximately 94.5 acres. (Exhibit 2)

Lot 1 in Tax Block 108.01 comprises 5.6 acres and has approximately 900 feet of frontage along the southeasterly side of Limecrest Road, also known as Sussex County Route 669. The property is bordered to the southeast by Sussex Mills Road and extends northward into Lafayette Township.

Lot 4.01 in Tax Block 108 consists of 3.5 acres and is located on the opposite side of Limecrest Road, having 619 feet of road frontage.

Lot 4.02 in Tax Block 108 is the largest of the three parcels in this Industrial zone. It consists of 95.4 acres and borders Lot 4.01 to the north, east and west. Lot 4.02 has approximately 1,000 feet of frontage on the northerly side of Limecrest Road. Approximately 10 acres of the westerly portion of Lot 4.02 falls within the Township's R-2 / Single Family Residential Zone District. This area will remain in the R-2 zone district.

V. Characteristics of the Proposed Industrial-General Zone District

The parcels that comprise the proposed General Industrial district are identified on Exhibit 3. Lot 1 in Tax Block 108.01 is part of the Limecrest Quarry which extends into Lafayette and Sparta. The portion of the property located in Andover Township includes the ingress/egress drive to the quarry and a parking/staging area for the quarry trucks and associated vehicles. The southerly portion of Lot 1, having frontage on the northerly side of Sussex Mills Road is partially wooded and contains an abandoned 1 ½ story frame residential dwelling in a deteriorated condition. These conditions are reflected in the photos, below.

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Lot 1: view south from CR 669



Lot 1: view north from Sussex Mill Rd.

Lot 4.01 in Tax Block 108 contains a mulch production and distribution facility which includes several buildings and exposed stockpiles of the material within the front area of the property near Limecrest Road as seen in the photo, below.



Lot 4.01: view north CR 669

Lot 4.02 in Tax Block 108 is utilized, in part by Limecrest Quarry for outdoor storage of product accessed via an ingress/egress drive from Limecrest Road whereas the majority of the tract bears evidence of the years of mining activities, as indicated in the photos, below.



Lot 4.02: interior view west



Lot 4.02: interior view east

The history of this property is described in a recent Environmental Impact Statement prepared on behalf of Limecrest Quarry Developers, LLC as follows:

The subject property on Limecrest Road, a part of the Limecrest Quarry, known as Tax Lot 4.02, Block 108, was first acquired by previous owners of the Limecrest Quarry well over forty (40) years ago. It had been mined for the natural sand resource on the property, and became a large borrow pit for excavated material. There are a number of such borrow pits in Sussex County. Over time, the site was reclaimed, and it became a production facility for manufactured sand. The manufacturing involved a wet process using limestone and granite feeds from the quarry. Water used in the process was taken from on-site ponds and re-circulated through a settling pond system. In late 2003, all production on the site ceased. The small sand processing plant left on the site by the prior owners was removed and the site was leveled. Today, the site remains barren, unused and in an environmentally undesirable condition.⁴

VI. Basis for the New General Industrial Zone District

The purpose in modifying the existing Industrial zone district within the 94.5 acre area described above is to permit more intensive industrial operations which are compatible with the existing quarry adjacent to this area and consistent with the established land uses within the townships of Lafayette and Sparta along CR 669.

⁴ **Environmental Impact Statement Limecrest Quarry Block 108, Lot 4.02 Limecrest Road, Sussex County RT 669 Andover Township Sussex County, New Jersey**, prepared by Matrix New World Engineering, Inc., dated July 29, 2009, page 1.

Andover Township's land use regulations, specifically Chapter 190 entitled *Zoning* includes "Industrial" among the zone districts set forth in Article IV entitled *Establishment of Zones*. Chapter 190 does not provide a description or purpose clause for the Industrial zone district but does delineate the types of uses permitted in the district which are set forth in Table 2 entitled *Uses Permitted in Nonresidential Zones*, as follows:

Principal Permitted Uses

- Agriculture, farm and horticulture (§190-42)
- Construction business office and construction equipment and material storage
- Greenhouses and nurseries
- Light manufacturing, fabricating and assembly plants
- Printing and publishing establishments
- Wholesale establishments, warehouses and storehouses

Conditional Uses

- Essential services (§190-46)
- Warehousing, storing and wholesaling of certain materials (§190-54)

One of the eight Industrial districts in the Township is known as the *Industrial / Airport-2 Zone District*. Virtually identical to the Industrial zone, the range of permitted uses is set forth in Table 4 entitled *Uses Permitted in Nonresidential Airport Zones*, as follows:

Principal Permitted Uses

All those listed above in the Industrial Zone District plus:

- Administrative and corporate offices

Conditional Uses

All those listed above in the Industrial Zone District plus:

- Automotive repair services (§190-55)

Minimum lot area required: 130,000 square feet (2.98 acres)

Chapter 190 also provides a definition for Industrial in Article II, §190-4 as follows:

Industrial – Those type, class or particular establishments which manufacture, assemble or fabricate products.

§190-4 also provides a definition for Light Industrial Manufacturing as follows:

Light Industrial Manufacturing – Manufacturing or assemble plants, those that do not present a fire or explosive potential or emit toxic matter, noise, odor, vibration, glare, smoke, particulate matter or other elements which may be discernible and may have a nuisance potential.

§190-4 also provides a definition for Planned Industrial Development as follows:

Planned Industrial Development – An area of a minimum contiguous size as specified by this chapter to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by this chapter.

Despite the distinctions offered in the three definitions cited above, Chapter 190 is silent with regard to the difference between *Industrial* and *Light Industrial Manufacturing* insofar as these terms bear upon the established Industrial zone district and there are no provisions in Chapter 190 for a *Planned Industrial Development*, notwithstanding the definition for same. At the same time, Chapter 190 prohibits a number of land use activities, several of which are traditionally located in an Industrial zone. These are described in §190-22 entitled *Prohibited Uses*, wherein it states:

Any use not specifically permitted in a zoning district established by this chapter is specifically prohibited from that district, and the following uses and activities are specifically prohibited on all and every property in Andover Township:

The section goes on to list ten categories of prohibited uses including the following in Subsection J:

Crushers, asphalt and concrete product plants.

It is noted that the established zone districts do not include a mining or quarry district and it is further noted that the list of prohibited uses in §190-22 also includes subsection ‘I’ which reads as follows:

The mining, quarrying or other removal of solid rock, stone or ores and minerals.

The historical record of the Township’s Master Plans and numerous Master Plan Reexamination Reports, do not provide any guidance as to how the list of prohibited uses in §190-22 were established and in particular there does not appear to be any record as to the basis for subsections ‘I’ and ‘J’.

In consideration of the recommendation to establish a new *General Industrial* zone district §190-22 entitled *Prohibited Uses* should be amended to modify Subsection ‘J’ as follows:

“Crushers, asphalt and concrete product plants in all zone districts except in the General Industrial zone district where such uses shall be permitted subject to site plan approval in accordance with the standards set forth in this Chapter.”

VII. Consistency with the Municipal Land Use Law

The Andover Township Land Use Board has determined that the establishment of the General Industrial zone district on lots 4.01 and 4.02 in Tax Block 108 and on Lot 1 in Tax Block 108.01 satisfies the following purposes of the Municipal Land Use Law as established in N.J.S.A.40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;*
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole; and*
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.*

With respect to N.J.S.A.40:55D-2a, the area in question was mined for many years and utilized for ancillary uses associated with Limecrest Quarry. It is the determination by the Andover Township Land Use Board that this 94.5 acre area is the best location to permit concrete and asphalt products given the site’s disturbed condition, the proximity of Limecrest Quarry, the similar operations in the adjacent municipalities of Lafayette and Sparta and the suitable existing road network of Sussex County Route 669 which provides access to State Highway 15 approximately 2.5 miles to the north which in turn, provides access to the region’s interstate highway network.

Concerning N.J.S.A.40:55D-2d, the proposed General Industrial zone district is entirely compatible with the ‘*Extractive Industrial Zone District*’ in neighboring Lafayette Township which contains a portion of Limecrest Quarry. At present there is an asphalt plant in operation within the quarry and approvals have been granted for a portable

concrete plant as well. Sparta actually contains the largest portion of the quarry, approximately 210 acres, which provides a significant separation between the proposed General Industrial zone district in Andover Township and the residential community of Sussex Mills to the southeast.

As regards N.J.S.A.40:55D-2g, Andover Township has established a zone plan which provides for a range of residential densities and commercial zones tailored for both the highway corridor of Route 206 and for community level needs. At present however, the Township has treated its Industrial zone district in a homogeneous fashion despite the evident differences between the proposed General Industrial district which bears the consequences of decades of extraction operations and the undisturbed farmland and forest which characterizes the Industrial zone contiguous with Andover Borough, or the smaller Industrial districts situate along Route 206 in proximity to residential neighborhoods.

The proposed General Industrial zone will provide greater flexibility to the Township's industrial zoning yet remains sensitive to the need to locate the more intensive uses at the appropriate location.

VIII. Consistency with the State Development and Redevelopment Plan

The existing Industrial zone which is proposed to be modified to become the Industrial-General zone district is located within Planning Area 5 pursuant to the *State Plan Policy Map* of the **State Development and Redevelopment Plan** (SDRP). The area in question is not however, in pristine condition. Indeed it is quite the opposite given the history of mining thereupon. It is, in fact, appropriately identified as a *Heavy Industry-Transportation-Utility Node* as those terms are defined in the SDRP, as follows:

*Node means a concentration of facilities and activities which are not organized in a Compact form.*⁵

*Heavy Industry-Transportation-Utility Node means heavy industry (for example, petrochemical), transportation (for example, airports, seaports and rail yards), or utility facilities and activities that meet a regional need and that as a result of their vast scale or given the nature of their activities cannot meet acceptable performance standards for locating in Centers.*⁶

This subject is addressed under *Policies for Planning Areas* as follows:

⁵ **The New Jersey State Development and Redevelopment Plan**, New Jersey State Planning Commission, adopted March 1, 2001, page 329

⁶ *Ibid.* Page 325.

The following policies apply to all Planning Areas. These policies are intended to coordinate decisions at all levels of government toward the achievement of a pattern of growth that will fulfill the goals of the State Planning Act.

Policy 4 / Planning for Existing Nodes

Communities may identify and delineate existing Nodes – either Commercial-Manufacturing Nodes or Heavy Industry-Transportation-Utility Nodes – as part of their plans submitted to the State Planning Commission for Plan Endorsement. Existing Nodes are encouraged to be retrofitted over time to reduce automobile dependency, diversify land uses, and enhance linkages to communities, wherever possible.

Policy 5 / Planning for New Nodes

Communities may identify new heavy industry, transportation or utility facilities and activities as part of their plans submitted to the State Planning Commission for Plan Endorsement. New construction of commercial, light manufacturing or warehouse and distribution facilities and activities should be organized in a compact form and located in Centers and other appropriate areas in Metropolitan or Suburban Planning Areas or Centers in Fringe, Rural or Environmentally Sensitive Planning Areas as part of plans submitted to the State Planning Commission for Plan Endorsement.⁷

Not only does this 94.5 acre zone district qualify as a Heavy Industry Node, it can be seen in the context of a larger industrial area of approximately 530 acres that extends into Lafayette and Sparta which includes Limecrest Quarry, comprising approximately 210 acres and, further north on CR 669, a propane tank farm and a sand and gravel operation.

IX. Consistency with the Sussex County Strategic Growth Plan

The **Sussex County Strategic Growth Plan (SGP)** adopted in 2005 strikes a careful balance between the need to preserve the natural characteristics of the County and the need to provide employment opportunities and new development. In the SGP, the County acknowledges Nodes as defined by the SDRP as “*job creation centers*” which “...correspond to the “*Node*” as defined in the SDRP.”⁸ While the SGP sees the typical node in Sussex County to be of the “*Commercial-Manufacturing*” type identified in the SDRP, which are typically commercial and industrial parks, Andover Township believes

⁷ Ibid. Page 228-229.

⁸ **Sussex County Strategic Growth Plan**, Sussex County Division of Planning, February 2005, page 20.

the proposed Industrial-General zone will create the type of employment opportunities envisioned for nodes of whichever variety.

This concept of job creation centers is described in some detail in the SGP in the following excerpt:

Job Creation Centers

Job Creation Centers are nodes of development, which because of their non-residential character, do not fit the definition of a center. The SDRP provides for these nodes with the understanding that a concentration of wholesale and industrial economic development activities is a major contributor to the regional economy, works to alleviate traffic congestion, air and water pollution, and contributes directly to the quality of life of County residents and visitors. Strategies to be followed in this landscape are:

- Expand the efforts of the County, the Economic Development Partnership, and the Chamber of Commerce to identify the economic strengths of the County, its businesses and work force.
- Locate areas with access to railroad lines or major roads within the County where economic development nodes may be created or expanded.
- Focus the outreach efforts of the Economic Development Partnership on business sectors most apt to locate or expand in Sussex County.
- Working with historic preservation and agricultural groups, widen the range of opportunities for agricultural industry.⁹

The SGP aligns its policies with those of the SDRP. Of particular interest to the proposed zone modification recommended by this Master Plan Amendment is the SDRP policy concerning economic development and the SGP's strategies to implement this objective within Sussex County. The SDRP policy is cited below followed by the SGP vision:

Economic Development

Promote beneficial economic growth and improve the quality of life and standard of living for New Jersey residents by building upon strategic

⁹ Ibid. Pages 76-77.

*economic and geographic positions, targeting areas of critical capital spending to retain and expand existing businesses, fostering modern techniques to enhance the existing economic base, encouraging the development of new enterprises, advancing the growth of green business, elevating work force skills, and encouraging sustainable economic growth in locations and ways that are fiscally and ecologically sound.*¹⁰

*The SGP proposes expansion of existing Job Creation Centers (Nodes) and creation of a limited number of additional nodes where larger scale mixed commercial and industrial uses should be concentrated.*¹¹

X. Standards for the General Industrial Zone District

The Land Use Board should review the lot area and bulk standards for the existing Industrial zone district to determine if modifications are appropriate for the new General Industrial zone district. At minimum, it may be necessary to account for different height standards for a building and/or structure and enhanced buffer requirements might also be necessary.

¹⁰ **The New Jersey State Development and Redevelopment Plan**, New Jersey State Planning Commission, adopted March 1, 2001, page 125

¹¹ **Sussex County Strategic Growth Plan**, Sussex County Division of Planning, February 2005, page 84.

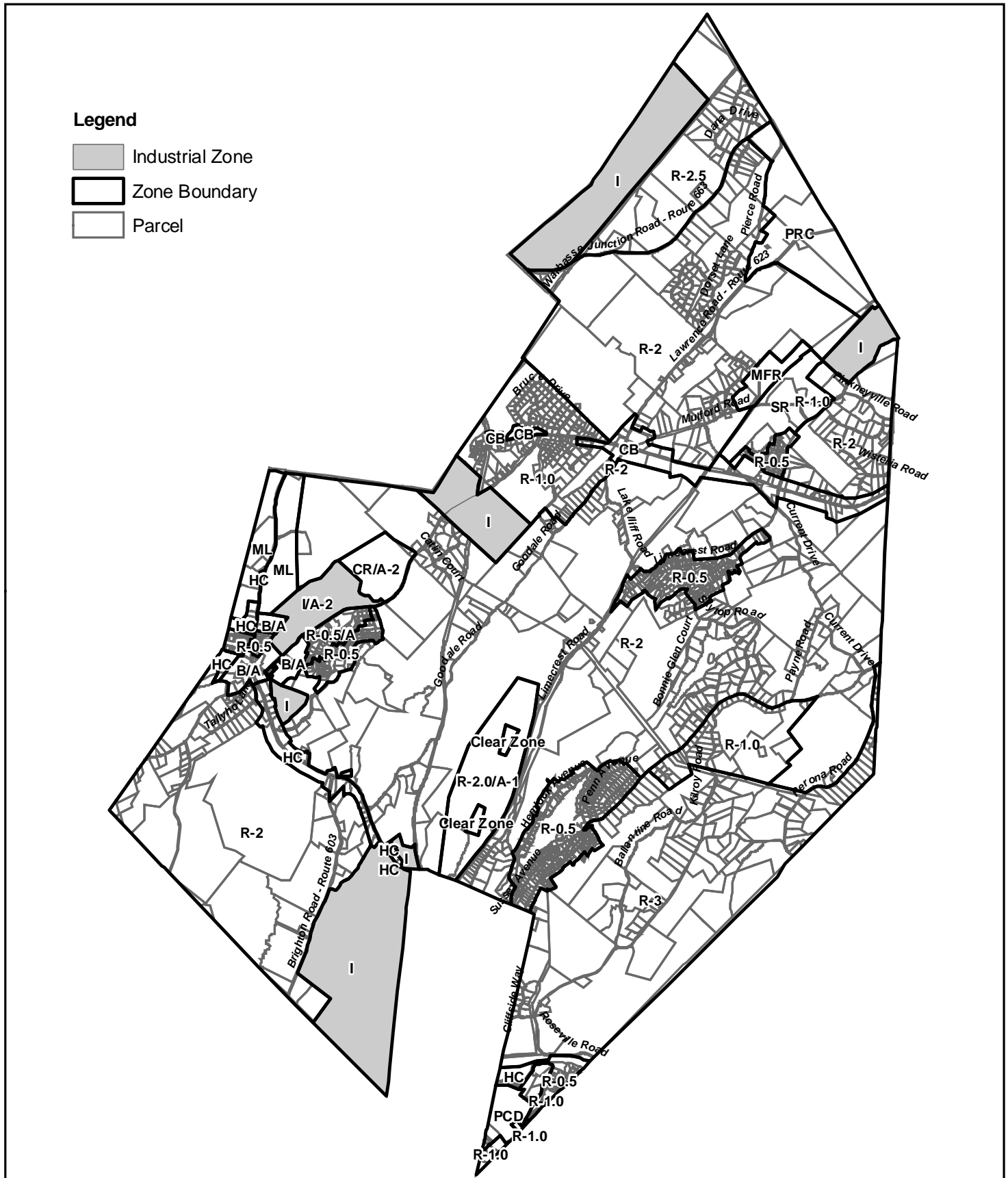
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XI. Exhibits

Exhibit 1 - Existing Industrial Zones

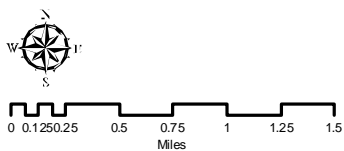
Andover Township, Sussex County

March 2010



Legend

- Industrial Zone
- Zone Boundary
- Parcel



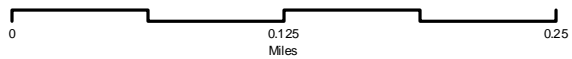
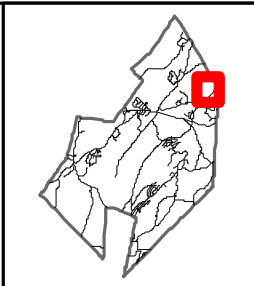
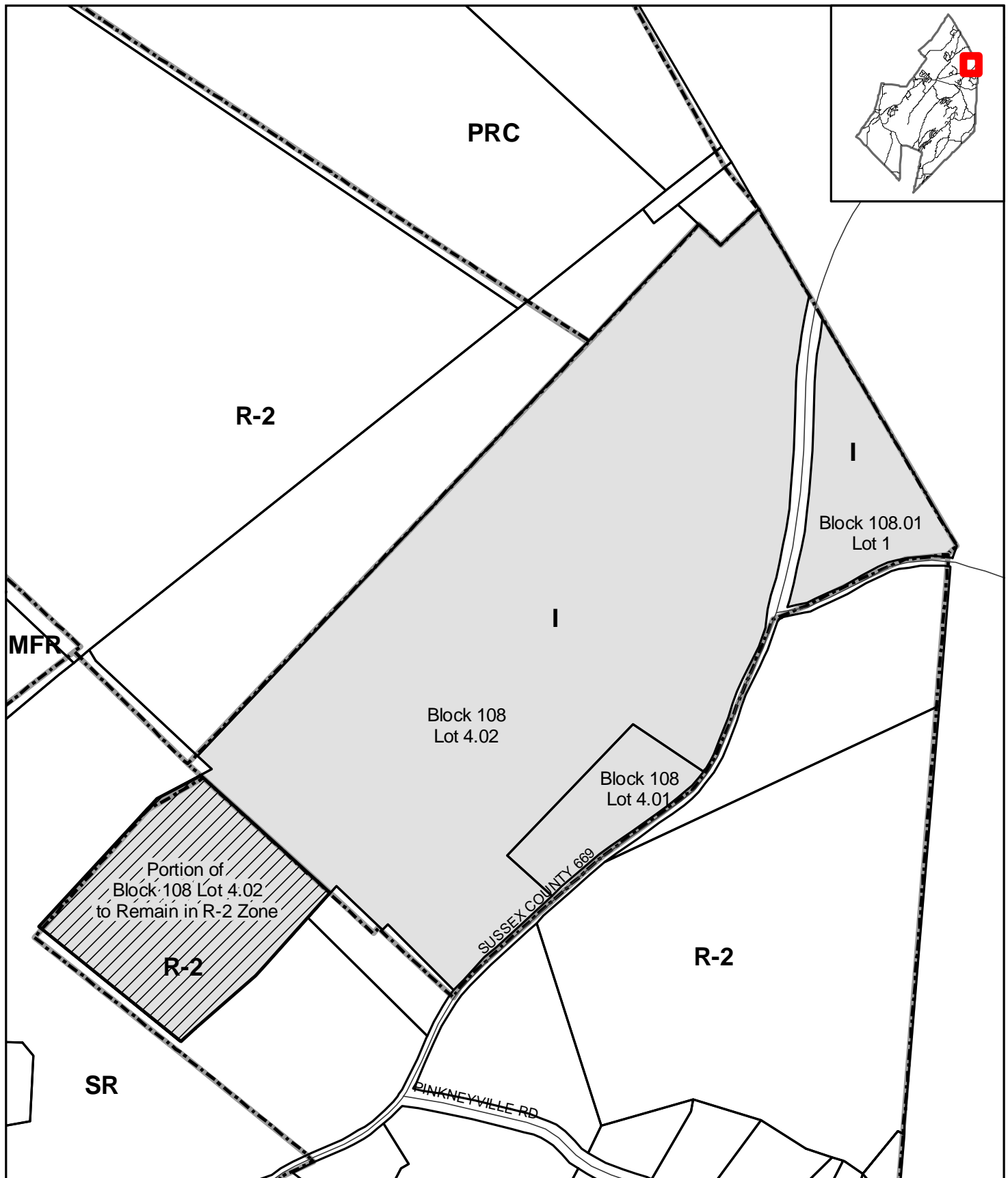
Data Sources:
Andover Township Engineer

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Planning and Design

Exhibit 2 - Proposed General Industrial Zone District

Andover Township, Sussex County

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- Zone Boundary
- Parcel

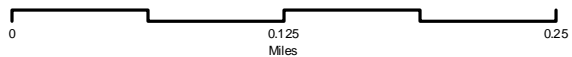
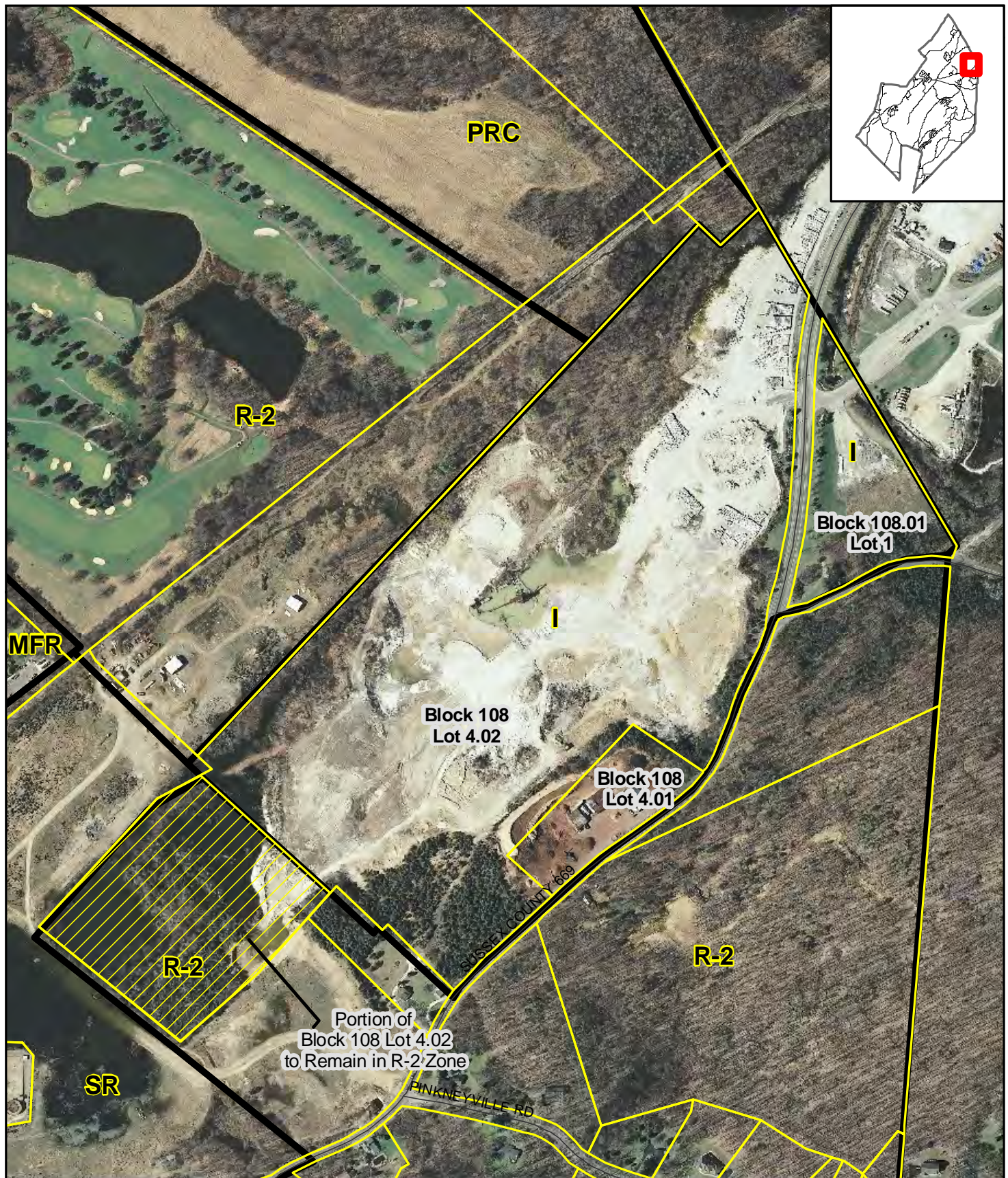
Data Sources:
Andover Township Engineer

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Exhibit 3 - Proposed General Industrial Zone District

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Data Sources:
Andover Township Engineer



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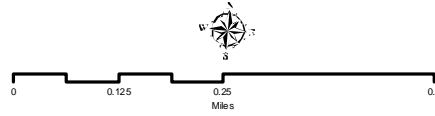
Exhibit 4 - Heavy Industry Node

Andover Township, Sussex County

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Data Sources:
Andover Township Engineer

-  Municipal Boundary
-  Heavy Industry Node



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