

2011
PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN AND
DEVELOPMENT REGULATIONS

AMENDMENT TO THE MASTER PLAN
LAND USE PLAN ELEMENT

Andover Township
Sussex County, New Jersey

March 15, 2011

Prepared by the Andover Township Land Use Board

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ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

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ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

Executive Summary	4
1.0 INTRODUCTION	4
2.0 FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN	5
3.0 C.40:55D-89a: THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.	6
4.0 C. 40:55D-89b: THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.	6
5.0 C. 40:55D-89c: THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED	7
6.0 C. 40:55D-89d: THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS	7
7.0 C. 40:55D-89e: THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS	8
AMENDMENT TO THE MASTER PLAN LAND USE PLAN ELEMENT	8

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

Executive Summary

This report consists of two parts. First, it provides a Reexamination Report of Andover Township's Master Plan. Most recently the Andover Township Land Use Board adopted a Reexamination Report on March 22, 2010. The present analysis is focused upon the specific recommendation in the 2010 report to consider modifications to the I-Industrial zone district. Secondly, it provides an amendment to the Land Use Plan Element to establish the basis for a modified Industrial zone district in order to expand the range of permitted uses to include active indoor recreation facilities and limited retail.

The second part comprises an amendment to the Land Use Plan Element of the Township's Master Plan for the specific purpose of modifying certain areas currently zoned for Industrial use to a more flexible zone permitting a broader range of goods and services to benefit the residents of Andover Township in addition to the present industrial zoning.

1.0 INTRODUCTION

The Municipal Land Use Law at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.

The most recent Master Plan Reexamination Report was adopted by the Land Use Board on March 22, 2010. Previously the Land Use Board adopted reports in May 2008 and December 2007. The first complete Master Plan or Comprehensive Development Plan as it was then known appears to have been prepared in 1958 or 1959. Other comprehensive plans followed in 1976 and again in 1989. In addition, a number of more focused planning studies have been prepared and adopted over the years and are identified in the listing below.

1. Amendment to the Master Plan Land Use Plan Element, March 22, 2010
2. 2010 Periodic Reexamination Report of the Master Plan and Development Regulations, March 22, 2010
3. Evaluation of Groundwater Resources of Andover Township, Sussex County, New Jersey: December 17, 2009
4. Housing Element and Fair Share Plan, December 2008
5. Amendment to the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations: May 12, 2008
6. Periodic Reexamination Report of the Master Plan and Development Regulations: December 18, 2007

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

7. Natural Resource Inventory: February 2007
8. Build-Out and Capacity Analysis: May 1, 2007
9. Master Plan Reexamination Report: October 15, 2005; Revised October 31, 2005
10. Amendment to the Master Plan Residential Land Use Plan and Resource Conservation Element: October 15, 2005
11. Housing Plan and Fair Share Plan: October 15, 2005
12. Stormwater Management Plan: April 2005
13. Andover Township State Plan Cross Acceptance Report: December 18, 2004
14. Andover Township Sussex County Strategic Growth Report: December 18, 2004
15. Master Plan Amendment: May 15, 2000
16. 2000 Master Plan Reexamination Report: April 10, 2000
17. Natural Resource Inventory 1999
18. Amendment to Andover Township Master Plan: adopted March 16, 1998
19. Wastewater Management Plan: Revised February 1997
20. Housing Element / Fair Share Plan: adopted June 3, 1996
21. Wastewater Management Plan: Revised December 1996
22. Housing Element / Fair Share Plan: May 15, 1995
23. Master Plan Reexamination Report: 1994
24. Master Plan "From 1989 to 1992": December 7, 1992
25. Route 206 Corridor [Study]: September 1991
26. 1989 Master Plan: September 1989, adopted on August 21, 1991
27. Master Plan Reexamination Report: adopted November 15, 1982
28. Andover Township Recreation Master Plan: 1978
29. Andover Township Master Plan: 1976
30. A Comprehensive Development Plan (1958 estimated)

2.0 FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN

The Municipal Land Use Law sets forth the following five questions to be addressed in preparing the Reexamination Report:

- C. 40:55D-89a The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- C. 40:55D-89b The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. 40:55D-89c The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

recyclable materials, and changes in State, county and municipal policies and objectives.

C. 40:55D-89d The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed.

C. 40:55D-89e The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c. 79 (C. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

<p>3.0 C.40:55D-89a: THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.</p>
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The Master Plan Reexamination Report adopted by the Land Use Board on March 22, 2010 identified the need to study the Township's Industrial Zone District which applies to lands in various locations throughout the municipality (Exhibit 1). Specifically, the report categorized these areas into seven discrete locations (Areas A – G) and provided an analysis of acreage, ownership, tax class status and existing land uses. The 2010 Reexamination Report recommended one location be reclassified for a limited range of more intensive industrial uses while offering the following direction with regard to the remaining lands zoned for industrial activities:

Consider rezoning portions of other Industrial districts to a Public Use or Conservation category where ownership rests with NJDEP/Green Acres and the Nature Conservancy.

Evaluate the remaining industrially-zoned lands to determine if rezoning is appropriate in consideration of the applicable land characteristics and surrounding development patterns.¹

<p>4.0 C. 40:55D-89b: THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.</p>
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The Land Use Board did recommend that one area of the Township zoned Industrial should be modified to create a General Industrial district wherein certain more intensive industrial

¹ Andover Township, Periodic Reexamination Report of the Master Plan and Development Regulations, March 22, 2010, Page 13

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

activities would be permitted as conditional uses. This objective has been implemented with the creation of the GI-General Industrial zone district as set forth in the 2010 Land Use Plan amendment and Township Ordinance 2010-05.

5.0 C. 40:55D-89c: THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO THE DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES, HOUSING CONDITIONS, CIRCULATION, CONSERVATION OF NATURAL RESOURCES, ENERGY CONSERVATION, COLLECTION, DISPOSITION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS, AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

Andover Township's Land Use Board continued its analysis of the Industrial zone district subsequent to the Master Plan Reexamination Report and Land Use Plan amendment, both adopted in March 2010 with the conclusion that certain areas are suitable for a broader range of uses apart from those presently permitted in the Industrial district. This conclusion is based in part on the underutilization of certain properties in the Industrial district and in part upon the recognition that such underutilized buildings, designed for industrial uses are well suited with high ceilings and open floor plans to accommodate emerging businesses which provide a range of indoor recreational and cultural functions.

Additional study is warranted with regard to creating a new Public or Conservation zone district pursuant to one of the recommendations in the 2010 Reexamination Report. It is expected that such a new zone will encompass not only those preserved parcels currently zoned for industrial use but other preserved lands throughout Andover Township as well.

6.0. C. 40:55D-89d: THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PROPOSED.

This Reexamination Report recommends the Industrial zone district be modified *in certain areas* to permit sports facilities, studios for the instruction of the arts, including but not limited to dance, music, language, and photography. Ancillary uses including limited retail sales and rooms for hire for parties are likewise recommended.

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

7.0 C. 40:55D-89e: THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE “LOCAL REDEVELOPMENT AND HOUSING LAW”, P.L. 1992, C. 79 (C. 40A:12A-1 ET SEQ.) INTO THE LAND USE PLAN ELEMENT OF THE MUNICIPAL MASTER PLAN, AND RECOMMENDED CHANGES, IF ANY, IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY.

There are no recommendations for a Redevelopment Plan at this time.

AMENDMENT TO THE MASTER PLAN LAND USE PLAN ELEMENT

The recommendation offered in the March 2011 Master Plan Reexamination Report to modify the Industrial zone district as it applies to certain locations in Andover Township in order to encourage reinvestment in the areas in question with goods and services to benefit the residents of Andover Township is entirely consistent with the purposes of the Municipal Land Use Law as set forth at N.J.S. 40:55D-2, and in particular the following:

- (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;
- (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; and
- (m) To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

The properties identified in Table 1, below, are proposed to be rezoned from the present Industrial zone district to a new district to be known as the Commercial/Industrial Zone District (C/I). The Industrial zone which encompassing the Jump Airport site (Block 151, lots 20, 21 and a portion of Lot 22) will be rezoned to the new C/I district but will retain the ‘A-2’ designation in recognition of the constraints imposed in “air safety” zones per §190-31 of Chapter 190.

ANDOVER TOWNSHIP
 Periodic Reexamination Report of the
 Master Plan and Development Regulations
 Amendment to the Master Plan Land Use Plan Element
 March 15, 2011

Table 1
Properties to be Rezoned to Commercial/Industrial District

Block	Lot	Acreage	
126	5.02	3	Exhibit 2
	5.03	3.5	
128	4.01	2.9	
	4.02	5.3	
	4.03	7.5	
	4.04	2	
134	17.15	30.5	
151	20	4.8	Exhibit 4
	21	97.8	
	*22	**10	
159	1.01	1.2	Exhibit 5
	2	5.4	
	4	8.5	
161	4	5.1	
	5	9.4	
	5.01	4.4	
	5.02	5.5	

* Portion of lot situate in existing I/A2 zone district

** Approximate.

The existing principal permitted uses in the Industrial zone district which shall remain in place are as follows:

1. Agriculture, farm and horticulture (§ 190-42)
2. Construction business office and construction equipment and material storage
3. Greenhouses and nurseries
4. Light manufacturing, fabricating and assembly plants
5. Printing and publishing establishments
6. Wholesale establishments, warehouse and storehouses

The new Commercial/Industrial zone district will retain the above uses and add the following:

1. Administrative and corporate offices
2. Business services
3. Child care centers pursuant to N.J.S.A. 40:55D-66.6.
4. Flex-space buildings
5. Health clubs
6. Sports facilities
7. Studios for the instruction of the arts, dancing, music, language or photography

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

Existing permitted accessory in the Industrial zone are:

1. Cafeteria and similar services for use by employees
2. Fences (Article XII)
3. Off-street parking
4. Private garages
5. Signs (Article XI)
6. Uses customarily incidental to principal use

The new Commercial/Industrial zone district will retain the above uses and add the following:

1. Party areas limited to no more than fifty (50) participants.
2. Retail sales limited to no more than twenty-five (25) percent of the Gross Floor Area or 1,000 square feet, whichever is less
3. Showers and locker rooms

Existing conditional uses in the Industrial district are limited to:

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

No additional conditional uses are proposed for the new Commercial/Industrial zone district.

The existing Industrial/A-2 zone which is confined to Block 151, lots 20, 21 and a portion of Lot 22 has a very slight variation from the Industrial zone cited above. Existing principal permitted uses are as follows:

1. Administrative and corporate offices
2. Agriculture, farm and horticulture (§ 190-42)
3. Construction business office and construction equipment and material storage
4. Greenhouses and nurseries
5. Light manufacturing, fabricating and assembly plants
6. Printing and publishing establishments
7. Wholesale establishments, warehouse and storehouses

The new Commercial/Industrial [A-2] zone district will retain the above uses and add the following:

1. Business services
2. Child care centers pursuant to N.J.S.A. 40:55D-66.6.
3. Flex-space buildings
4. Health clubs
5. Sports facilities
6. Studios for the instruction of the arts, dancing, music, language or photography

Existing accessory uses are:

1. Cafeteria and similar services for use by employees
2. Fences (*Article XII*)

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
Amendment to the Master Plan Land Use Plan Element
March 15, 2011

3. Private garages
4. Signs (*Article XI*)
5. Uses customarily incidental to principal use

To the above, the following additional accessory uses are recommended:

1. Off-street parking
2. Party areas limited to no more than fifty (50) participants.
3. Retail sales limited to no more than twenty-five (25) percent of the Gross Floor Area or 1,000 square feet, whichever is less
4. Showers and locker rooms

Existing conditional uses in the Industrial-A-2 district are limited to:

1. Automotive repair services (§ 190-55)
2. Essential services (§ 190-46)
3. Warehousing, storing and wholesaling of certain materials (§ 190-54)

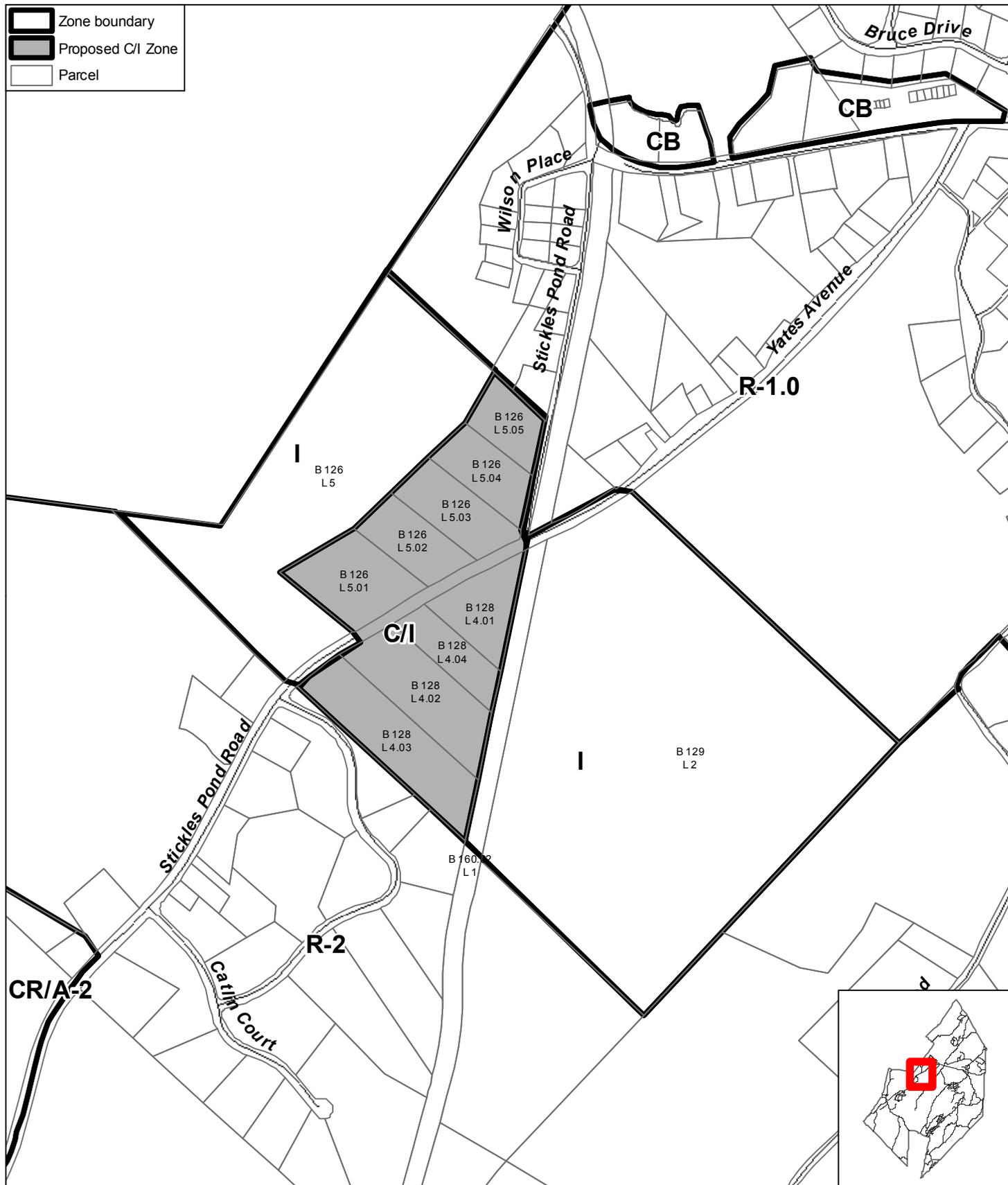
No additional conditional uses are proposed for the new Commercial/Industrial [A-2] zone district.

The standards for lot area, lot width, principal and accessory buildings and structures, and impervious coverage and height shall be the same standards applicable to the principal, accessory, and conditional uses in the I-Industrial zone district.

Andover Township Proposed Commercial/Industrial Zone

Exhibit 2

March 2011



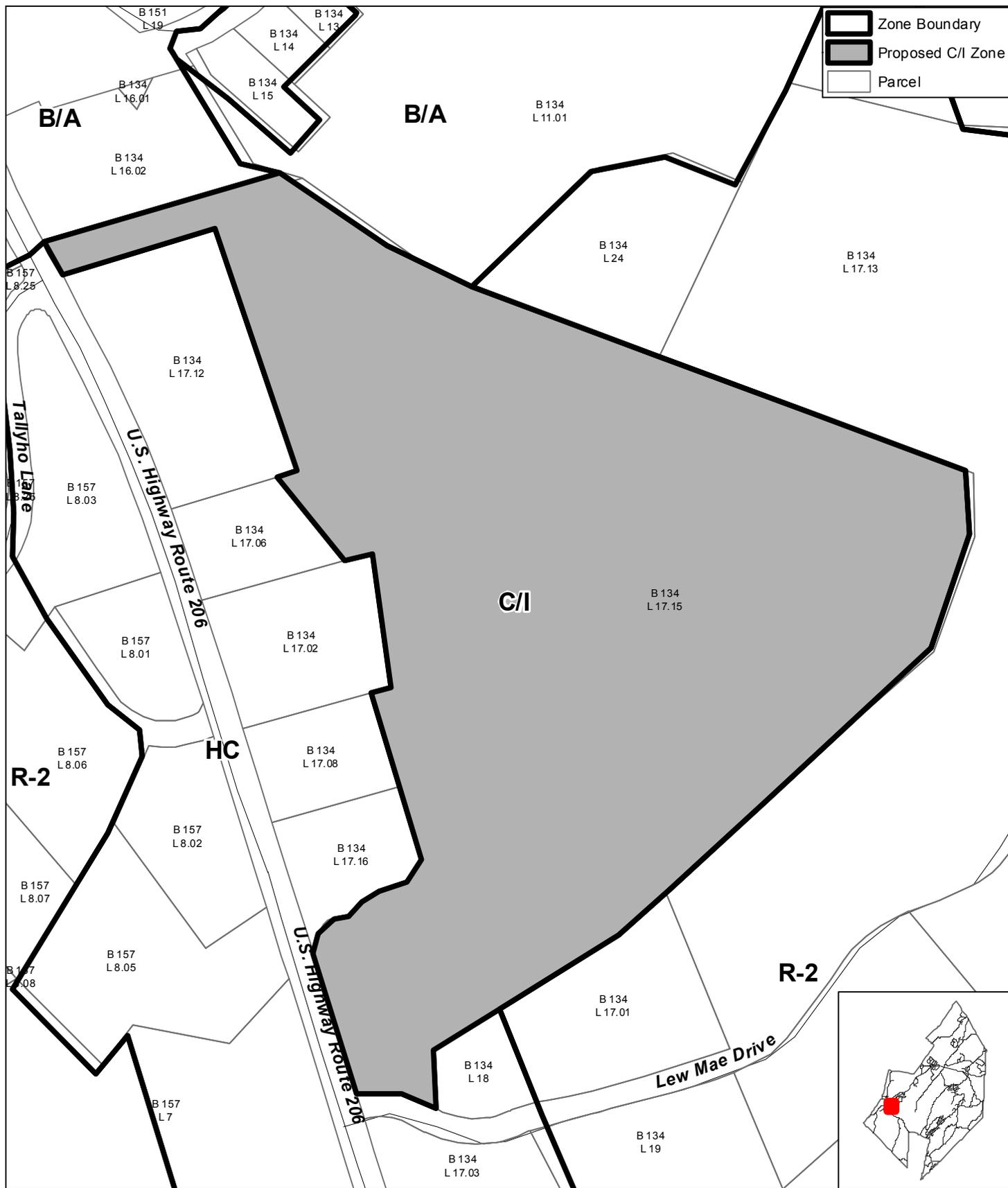
Data Sources:
Andover Township Engineer

BANISCH
ASSOCIATES, INC.
Planning and Design

Andover Township Proposed Commercial/Industrial Zone

Exhibit 3

March 2011

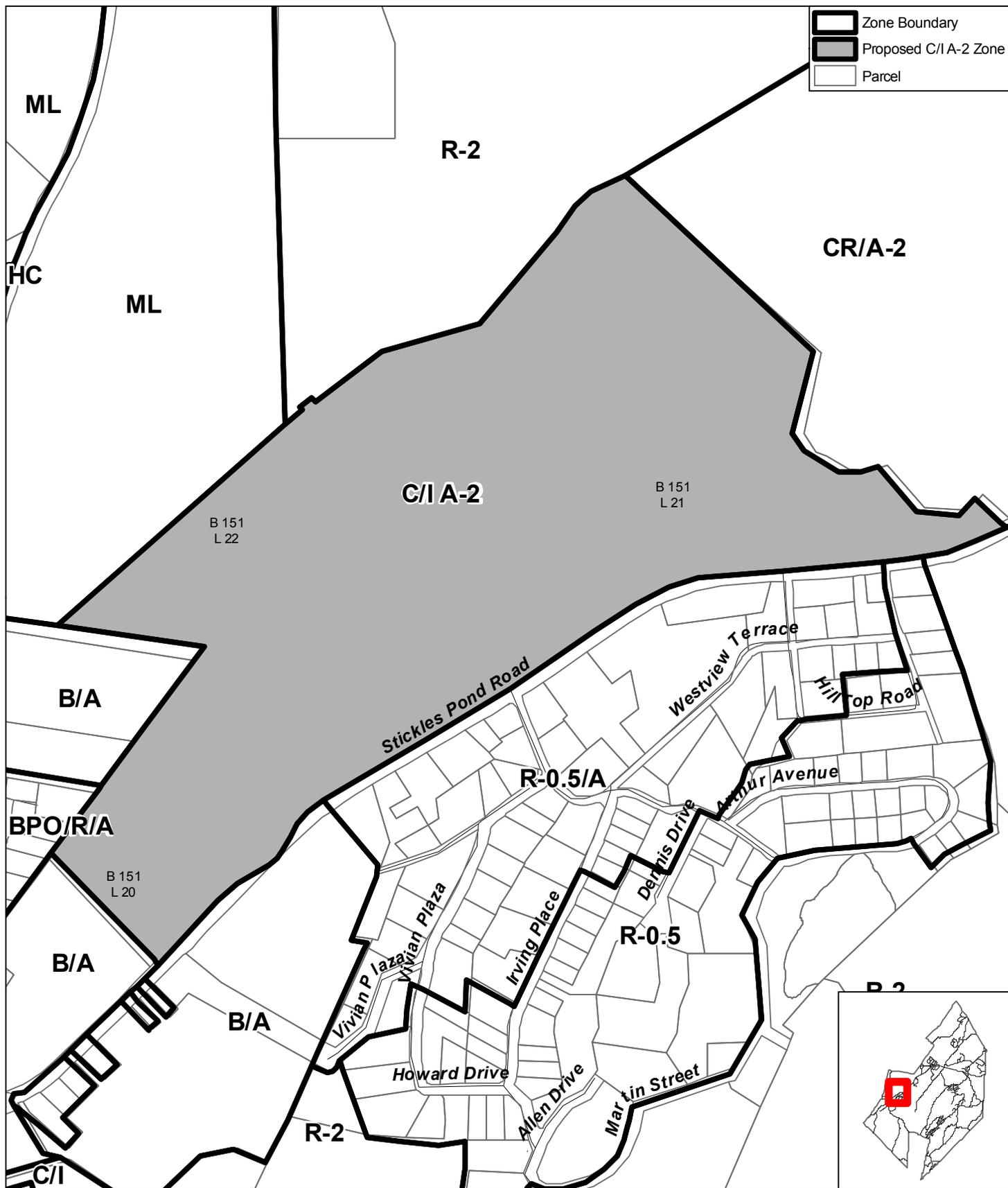


Data Sources:
Andover Township Engineer

BANISCH
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Planning and Design

Andover Township Proposed Commercial/Industrial Zone

March 2011



Data Sources:
Andover Township Engineer

Andover Township Proposed Commercial/Industrial Zone

Exhibit 5

March 2011



Data Sources:
Andover Township Engineer

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