

ANDOVER TOWNSHIP LAND USE BOARD

Date Submitted: 5-11-23
Application #: A23-4

LAND USE APPLICATION

Property Address: 474-476 Route 206 Block: 155 Lot: 5.01

Project Name: Feels of Green LLC

1. APPLICANT

Name: Feels of Green LLC
Address: 123 Old Prospect School Road
Sparta, NJ 07871
Phone: _____ Fax: _____
Email: jennifer@feelsofgreennj.com
Interest in Property: Tenant

2. PROPERTY OWNER

Name: GNM REALTY LLC
Address: 27 Kory Road
Newton NJ 07860
Phone: 732-381-2600 Fax: _____
Email: mtsitsiragos@aol.com

3 TYPE OF APPLICATION (CHECK ALL THAT APPLY)

- | | |
|---|--|
| <input type="checkbox"/> Minor Subdivision | <input 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 checked="" type="checkbox"/> Preliminary Major Site Plan * | <input type="checkbox"/> Other (informal, Planning Variance,
Extension of Approval) |
| <input checked="" type="checkbox"/> Final Major Site Plan | <input 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: John E. Ursin, Esq., Schenck Price Smith & King LLP
Address: 220 Park Avenue, Florham Park, NJ 07932
Phone: 973-295-3673 Fax: 973-540-7300
Email: JEU@SPSK.COM

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

Name: <u>Colliers Engineering and Design</u> Profession: <u>Matt Ryan, Engineer</u> Address: <u>331 Newman Springs Road, Suite 203</u> <u>Red Bank, NJ 07701</u> Phone: <u>732-383-1950</u> Fax: _____ Email: <u>Matt.Ryan@collierseng.com</u>	Name: <u>J.A. Mihalik Architect, LLC</u> Profession: <u>Justin A. Mihalik, Architect</u> Address: <u>373 US Route 46 West, Building D, Suite 240</u> <u>Fairfield, NJ 07004</u> Phone: <u>973-291-3730</u> Fax: <u>973-291-3740</u> Email: <u>jmihalik@jam-arch.com</u>
Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____	Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____

6. LOCATION OF PROPERTY

Street Address: 474-476 Route 206 Block(s): 155
Tract Area: 3.83 Acres Lot(s): 5.01
Zone: B/A Business/Airport
Tax Map Sheet # _____ Nearest Cross Street Route 206

7. LAND USE

Existing Land Use: The subject property contains a two-story multifamily residence, a vacant commercial building (formerly a deli), and associated parking area.

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

The applicant proposes to redevelop the commercial building to contain a small area in the front (721sqft) for retail use and a back area for office and storage.

The proposed use is a cannabis dispensary, this is a permitted use in the Zone. The Applicant proposes an addition of 95 sqft to the existing 1,434 sqft commercial building.

An addition of 8 parking spaces and 1 loading area are proposed with 1,000 sqft of new asphalt paving proposed along with an 8 foot high masonry wall, new lighting and landscaping.

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. The property contains a vacant commercial building which was formerly a deli. Applicant's proposed site improvements including removal of the existing septic system and replacing it with a new onsite sanitary disposal system.

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: _____
100' setback is required where parking is provided in the front yard. The setback may be reduced to 40' for business use if there is no parking in the front yard. The front yard setback is a pre-existing non-conforming use existing as 38.05'. Applicant proposes no change to the front yard setback.

9. APPLICATION SUBMISSION MATERIALS

List all plans, reports, photos etc. (use additional sheets if necessary): 1. Preliminary/Final Major Site Plan prepared by Colliers Engineering & Design; 2. Narrative summary prepared by Jesse Cokeley from Colliers Engineering & Design; 3. Checklist prepared by Colliers Engineering & Design; 4. Rendering J.A. Mihalik Architect, LLC.

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	20,000 S.F.	184,838.19 S.F.	No Change
Lot Depth	N/A	256.67'	No change
Frontage	N/A	199.17'	No change
Front Yard Setback	100'	38.05'	No Change Pre-Existing Non Conform
Left Side Setback	20'	82.31'	No change
Right Side Setback	20'	60.20'	No change
Rear Yard Setback	50'	226.8'	No Change
Building Height	35'	<35*	No Change
Maximum Lot Disturbance	N/A	N/A	3,939 SF
Critical Lot Disturbance	N/A	N/A	No change
Open Space	N/A	N/A	No change
Parking Setbacks	N/A	9.33'	No change
Parking Spaces	8	6	8
Loading Spaces	1	0	1

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): 155,
Lot(s): 5.01 in Andover Township, New Jersey.


Applicant Signature

4-25-23
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 _____, a non-permitted use in the _____ 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

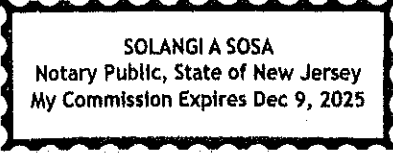
I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or that I am an officer of the Corporate applicant and authorized to sign the application for the Corporation, or a general partner of the partnership application.

Jennifer Condron 4-26-23
Signature (Applicant) Date
Jennifer Condron
Print Name

Sworn & Subscribed to before me this

wednesday day of April, 2023 (year)

Solangi A Sosa (notary)



15. CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby 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.

Marin Tsitsiragos 4/25/23
Signature (Applicant) Owner Date
MARIN TSITSIRAGOS
Print Name

Sworn & Subscribed to before me this

25th day of April, 2023 (year)

Lauren A Regalbuto (notary)



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.

[Handwritten Signature]
Applicant signature

4-25-23

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 April 25, 2023 shows and discloses the premises in its entirety, described as Block(s) 155 Lot(s) 5.01; 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.

Sworn & Subscribed to before me this

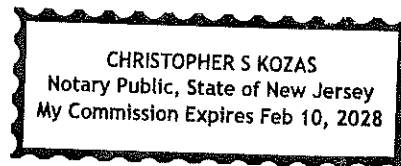
[Handwritten Signature]
Signature (Applicant)

4-25-23
Date

Jennifer Condron
Print Name

25 day of April, 2023 (year)

[Handwritten Signature] (notary)



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: Jennifer Condron
Address: 123 Old Prospect School Road , Sparta, NJ 07871

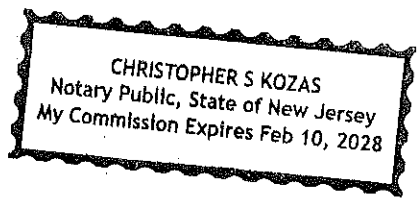
Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be in the form of a letter requesting the additional sums.

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.

Sworn & Subscribed to before me this

Jennifer Condron 4/25/23
Signature (Applicant) Date
Jennifer Condron
Print Name

25 day of April, 2023 (year)
Christopher Kozas (notary)



Name of Corporation, Partnership, LLC or LLP: Feels of Green 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):

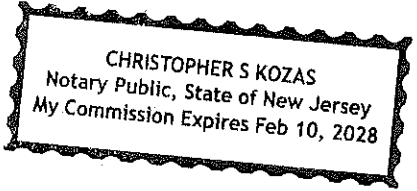
	NAME	ADDRESS
1	Jennifer Condron 100%	123 Old Prospect School Road, Sparta, NJ
2		
3		
4		
5		
6		
7		
8		
9		
10		

*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.

Sworn & Subscribed to before me this

Jennifer Condron 4-25-23
 Signature (Applicant) Date
Jennifer Condron
 Print Name

25 day of April, 2023 (year)
Christopher Kozas (notary)



25. AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

SS

COUNTY OF SUSSEX

MARIA Tsitsiragos of full age, being duly sworn according to law on oath
deposes and says, that the deponent resides at 27 Kory Road, in the municipality
of Newton, in the County of
Sussex and the State of New Jersey; that
GNM Realty LLC 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 474-476 Route 206.

X Maria Tsitsiragos
MARIA TSITSIRAGOS
Owner Signature

Sworn & Subscribed to before me this

X Jennifer Condon 4-25-23
Signature (Applicant) Date
Jennifer Condon
Print Name

25th day of April, 2023 (year)

Lauren A. Regalbuto (notary)



Authorization

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

To: The Land Use Board:

Feels of Green LLC is hereby authorized to make the within application.

X Jennifer Condon 4-25-23
Owner's Signature Date

ANDOVER TOWNSHIP LAND USE
BOARD

STATUS OF TAXES

In keeping with the Ordinance adopted by the Andover Township Committee July 27, 1976, fixing the procedures governing applications to the Planning and Zoning Boards, Article III, Section 74-39, requiring submission of proof that no taxes or assessments for local improvements are due or delinquent on the property to be subdivided, please submit verification for:

BLOCK(S) 155 LOT (S) 5.01

DATE 2/21/23



TAX COLLECTOR

Verification cannot be submitted on the above mentioned by reason of

DATE _____

TAX COLLECTOR

ANDOVER TOWNSHIP
TAX ASSESSOR
134 NEWTON SPARTA ROAD
NEWTON, NJ 07869

Schenck Price
220 Park Avenue
PO Box 991
Florham Park, NJ 07932

February 21, 2023

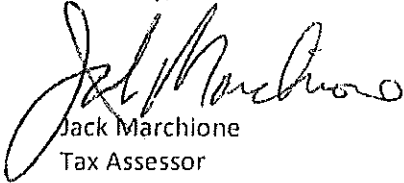
Re: 200 ft List
Block 155, Lot 5.01

Dear Ms. Clinton,

Attached is the certified list of property owners within 200' of the above-mentioned property as requested.

Also, please notify all of the appropriate utility companies.

Sincerely,



Jack Marchione
Tax Assessor

OWNER & ADDRESS REPORT

ANDOVER TWP

BLOCK 155, LOT 5.01

02/21/23 Page 1 of 1

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
151	2		4A	DECARLO, KIM 99 GOODALE RD NEWTON, NJ 07860	473 RT 206	
151	18		2	CARROLL, JOSEPH P III 314 STICKLES POND RD NEWTON, NJ 07860	314 STICKLES POND RD	
154	47		4A	ALEX & CHRIS REALTY, LLC PO BOX 400 BUDD LAKE, NJ 07828	468, 468A, 470 RT 206 SO	
155	5		2	DO INVESTMENTS, LLC 267 SPRING ST NEWTON, NJ 07860	8 GREENDALE RD	
155	5.01		4A	GNM REALTY LLC 27 KORY RD NEWTON, NJ 07860	474-476 RT 206 SO	
155	5.02	QFARM	3B	MIRAGLIOTTA FOUNDATION, INC 123 FREDON SPRINGDALE RD NEWTON, NJ 07860	20 GREENDALE RD	
155	5.03		2	HELLER, JEFFREY L & DEBORAH A 16 GREENDALE RD NEWTON, NJ 07860	16 GREENDALE RD	
155	5.04		2	SOLOMON, ELLIOTT 12 GREENDALE RD NEWTON, NJ 07860	12 GREENDALE RD	
155	5.05		4A	DO INVESTMENTS, LLC 267 SPRING ST NEWTON, NJ 07860	480 ROUTE 206 SO	
155	6	QFARM	3B	MIRAGLIOTTA FOUNDATION, INC 123 FREDON SPRINGDALE RD NEWTON, NJ 07860	OFF SPRING-TRANQ RD	
155	7		1	TSITSIRAGOS, MARIA 27 KORY RD NEWTON, NJ 07860	OFF SPRING-TRANQ RD	

**UTILITIES THAT MUST BE CONTACTED REGARDING EASEMENTS
ANDOVER TOWNSHIP, NEW JERSEY**

CenturyLink
101 Walnut Bottom Rd
PO Box 4000
Carlisle PA 17013

Jersey Central Power & Light
300 Madison Ave
PO Box 1911
Morristown NJ 07962-1911

NUI Utilities/Elizabethtown Gas
1 Elizabethtown Plaza
Union NJ 07083

Forest Lakes Water Company
PO Box 264
Andover NJ 07821

Lake Lenape Water Company
83 Eagle Chase
Woodbury NY 11797

Newton Water & Sewer Utility
39 Trinity St
Newton NJ 07860

Service Electric Cable of New Jersey
320 Sparta Ave
Sparta NJ 07871

United Water Company
PO Box 1190
Highland Lakes NJ 07422

Properties that are adjacent to a County Road must also contact:

Sussex County Planning Board
One Spring St
Newton NJ 07860

Properties that are adjacent to a State Highway must also contact:

State of New Jersey
Commissioner of Transportation
PO Box 600
Trenton NJ 08625-0600