



**HAROLD E. PELLOW & ASSOCIATES, INC.**  
CONSULTING ENGINEERS · PLANNERS · LAND SURVEYORS  
ESTABLISHED 1969

HAROLD E. PELLOW, *PRESIDENT*  
NJ – P.E. & L.S., NJ – P.P., NJ – C.M.E.

ANN PELLOW WAGNER  
NJ – C.L.A., VA – C.L.A., PA – C.L.A.  
(5/26/84 – 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*  
NJ – P.E. & L.S., NJ – P.P., NJ – C.M.E.  
NY – P.E. & L.S., PA – P.E. & L.S.

CORY L. STONER, *EXEC. VICE PRESIDENT*  
NJ – P.E., NJ – C.M.E.

MATTHEW J. MORRIS  
NJ – L.L.A., NJ – P.P.

THOMAS G. KNUTELSKY, *ASSOCIATE*  
NJ – P.E.

December 6, 2021

**MEMORANDUM TO:** Andover Township Land Use Board

**FROM:** Matthew J. Morris, L.L.A., P.P., LEED G.A., Harold Pellow and Associates, Inc.

**SUBJECT:** PLANNING REVIEW  
Variance Application for John Larick  
Property Located at 310 Stickle Pond Road  
Block 151 Lot 19  
Andover Township, Sussex County  
HPA No. 21-336

Dear Board Members:

The above referenced application is for a use variance to operate a transport business on the Block 151 Lot 19 property located at 248 Stickle Pond Road. Based on a review of the application submitted for this project, I offer the following comments:

1. The plans and documents submitted in support of this application included:
  - a. Plans entitled “Larick’s Office and Transport Services Proposed Office and Trucking Transportation Center, Use Variance Plan, Block 151 – Lot 19 Tax Map 22, 310 Stickle Pond Road, Township of Andover, Sussex County, New Jersey”, prepared by Davies Engineering, LLC, consisting of three (3) sheets and dated October 28, 2021.
  - b. Architectural Plan Entitled, “New Building for Larick Towing 310 Stickle Pond Road Andover, NJ”, Prepared by O’Brien Architects Inc., consisting of one (1) sheet, dated September 10, 2021 and last revised October 25, 2021.
  - c. Survey entitled, “Boundary and Topographic Survey Plan, Block 151, Lot 19 #310 Stickle Pond Road, Township of Andover, Sussex County, New Jersey”, prepared by Dykstra Walker Design Group, consisting of one (1) sheet, dated April 26, 2018 and last revised September 22, 2021.
  - d. Report entitled, “Planning Report for John Larick for Property located at 310 Stickle Pond Road, Block 151 Lot 19, Township of Andover, Sussex County, NJ”, prepared by John McDonough Associates, LLC and dated October 29, 2021.
  - e. Land Development Application, checklists, and other supporting documents.

2. The Applicant is bifurcating this application and is only applying for the variance relief at this time and site plan approval will be deferred.
3. **Zoning Comments:**
  - a. The Applicant is proposing to operate a transportation business that provides local and long-distance vehicle hauling services. The proposed development will consist of a building which will house approximately 4,100 square feet of office space and approximately 7,000 square feet of garage area for the service of and repair of the fleet. The site will include a parking lot for twenty-nine (29) passenger vehicles, and storage capacity for eleven (11) car-carriers, three (3) flatbeds and thirty-nine (39) customer cars. The Applicant should be prepared to discuss all proposed improvements before the Board as well as all anticipated operations of the business.
  - b. The Block 151 Lot 19 property is located in the B/A, Business Airport District. A review of the proposed bulk requirements for the Zone District is as follows:

| <b>Item</b>                 | <b>Required</b>        | <b>Existing</b>         | <b>Proposed</b>          | <b>Variance</b> |
|-----------------------------|------------------------|-------------------------|--------------------------|-----------------|
| <b>Principal Dwelling</b>   |                        |                         |                          |                 |
| Min. Lot Area               | 20,000 sf.             | 389,692 sf.             | No Change                | No              |
| Min. Lot Width              | 100 ft.                | 884 ft.                 | No Change                | No              |
| Min. Front Yard Setback     | 100 ft.                | 66.9 ft. <sup>(1)</sup> | 134.6 ft.                | No              |
| Min. Rear Yard Setback      | 50 ft.                 | 38 ft. <sup>(1)</sup>   | 166.1 ft.                | No              |
| Min. Side Yard Setback      | 20 ft. each            | 23.3/546.8 ft.          | 247.7/546.8 ft.          | No              |
| Max. Structure Lot Coverage | 20%                    | 4.1%                    | 2.6%                     | No              |
| Min. Floor Area             | 2,500 sf.              | 15,927 sf.              | 10,079 sf.               | No              |
| Max. Building Height        | 2 ½ Stories/<br>35 ft. | 1 Story                 | 2 Stories/<br>26.125 ft. | No              |

<sup>(1)</sup> Existing Non-Conforming

- c. The proposed use of transportation business is not expressly permitted in the zone. Section 190-4 of the Township Code defines a “commercial motor vehicle operation” as:

**Commercial Motor Vehicle Operation**

Any facility or property used primarily for the dispatching, garaging, servicing or maintaining of any truck registered at a gross weight in excess of 6,000 pounds, omnibus, tractor, trailer, semitrailer, pole trailer, or any vehicle registered in this state engaged in commerce which is now or hereafter subject to regulation and licenses by the Interstate Commerce Commission, the Bureau of Motor Carrier Safety of the Federal Highway Administration or the New Jersey

Division of Motor Vehicles, provided that any such operation shall be limited to a maximum of 50 truck or trailer-type units and a maximum of 100 trailer-type units. The temporary storage of freight or cargo consistent with and ancillary to an operation shall be permitted. The storage of any other freight or cargo is prohibited.

Nowhere else in the code are commercial motor vehicle operations mentioned except under Section 190-78 Regulations of Nuisance Elements. This use is not a permitted or prohibited use.

4. **The D(1) Variance Requirements:**

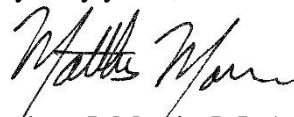
- a. As presented, the application will require a D-1 Use Variance for the proposed transportation business.
- b. Under the Municipal Land Use Law (MLUL) the Board of Adjustment has the power to grant a variance to allow departure from zoning requirements as long as statutory requirements are met. These requirements are known as the positive and negative criteria.

Positive Criteria: In order to address the positive criteria, the Applicant must show that the variance should be permitted for “special reasons”. These special reasons can be satisfied in one of the following circumstances: (1) The applicant must prove the project would carry out a purpose of zoning as defined under N.J.S.A. 40:55D-2 as well as the refusal to allow the project would impose on the applicant an undue hardship. Additionally, *Medici v. BPR, Co.* 107 NJ (1987) requires the Applicant to demonstrate that the special reasons are satisfied by ensuring that the proposed site would “promote the general welfare as the site is particularly suited for the proposed use”.

Negative Criteria: To address the negative criteria the Applicant must show that the relief can be granted without substantial detriment to the public good (neighborhood) and granting the variance will not substantially impair the intent and purpose of the master plan and zoning ordinance.

The Applicant will need to provide planning testimony before the Board to show that the project meets both the positive and negative criteria.

Very truly yours,



Matthew J. Morris, L.L.A., P.P., LEED G.A.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Consulting Engineers, Planners and Land Surveyors

MJM:mjm

**Andover Township Land Use Board**  
**RE: Variance Application for**  
**John Larick**  
**December 5, 2021**

**Page 4**

K:\PROJECTS\MUNICIPAL\ANDOVER TWP\LAND USE BOARD\21-336 - JOHN LARICK\PB1-PLANNER.DOCX

cc: Via Email  
Stephanie Pizzulo – Land Use Board Secretary  
Michael Selvaggi, Esq. – Applicant’s Attorney  
Daniel Davies, PE – Applicant’s Engineer