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October 16, 2023

MEMORANDUM TO: Andover Township Land Use Board

FROM: Cory L. Stoner, P.E., P.P., C.M.E., Land Use Board Engineer

SUBJECT: COMPLETENESS REVIEW

Preliminary and Final Site Plan Application for Andover Munsee Reality, LLC
Property Located at 667 State Route 206
Block 134 Lot 26
Andover Township, Sussex County
HPA No. 23-391

Dear Board Members:

The above referenced application is for Preliminary and Final Site Plan approval as well as use variance relief and approval for the construction of a proposed retail commercial and cannabis cultivation buildings with apartment use. This proposed activity is for the Block 134 Lot 26 property located at 667 Route 206 within the town's redevelopment zone. Based on a review of the application submitted for this project, I offer the following comments regarding completeness:

1. The plans and documents submitted in support of this application included:
 - a. Plans entitled, "Andover Munsee Realty, LLC, Proposed Retail Cannabis Commercial Building & Cannabis Cultivation Building, Preliminary & Final Site Plans, Block 134, Lot 26, Tax Map 12, 667 State Route 206, Township of Andover, Sussex County, New Jersey", prepared by Davies Engineering, LLC, consisting of five (5) sheets and dated August 31st, 2023
 - b. Architectural Plan Entitled, "Munsee Three Sisters Farm, CBD Retail, 667 Route 206, Andover, NJ, Zoning Submission", prepared by O'Brien Architects, inc., consisting of two (2) sheets dated August 22, 2023 and last revised August 24, 2023.
 - c. Survey entitled, "Boundary and Topographic Survey, 667 US Highway Route 206, Block 134 – Lot 26, Township of Andover, Sussex County, New Jersey", prepared by 3 Wire Surveying, LLC consisting of one (1) sheet and dated June 27th, 2023.
 - d. Land Development Application, checklists, and other supporting documents.

2. The Applicant is proposing a two-phase construction project for the proposed commercial retail and cannabis cultivation site with and existing apartment use. Phase I will consist of parking lot improvements, relocation of the existing septic field and conversion of an existing dwelling to a cannabis retail building. Phase II will consist of the construction of a 19,500 S.F. 3 story Cannabis Cultivation building and parking lot improvements. The Applicant should be prepared to discuss all proposed improvements before the Board as well as all anticipated businesses.
3. **Completeness Comments:** Based on a review of the items submitted in support of this application and a review of the Andover Township Land Use Board Checklist #1 (General Requirements), Checklist #5 (Site Plan and Conditional Use), Checklist #6 (Final Site Plan) and Checklist #7 (Variance), I have the following comments regarding completeness:

Checklist #1 – General Requirements:

- a. #9 – County and State Agency applications for approval – proof of submission: A copy of the Sussex County Planning Board Application has been provided. Copies of applications to the NJDOT and Upper Delaware Soil Conservation District have not been provided. An approval from the NJDOT or a letter of no interest and approvals from the Sussex County Planning Board and the Upper Delaware Soil Conservation District can be a condition of any approval granted by the Board.
- b. #10 – Copy of deed to the current owner including any easements or restrictions to use of property: The current deed to the owner has not been submitted. I believe that this item can be waived for the sake of scheduling the hearing of this application but will recommend that a copy of the current deed be provided before the actual hearing.
- c. #11 – Narrative of application and a list of all variance and waiver requests including statement of reasons why variances and waivers should be granted: The applicant has asked for various waivers from the variance checklist without giving a statement of reason for the waivers.
- d. #12 – CD containing PDF files of plans, maps, and details: A CD of these files has not been submitted. This can be a condition of any approval granted by the Board.

Checklist #5 – Site Plan and Conditional Use:

- a. #21 – An electronic copy of plans in .DWG format or a compatible format: A waiver has been requested from providing this item. The applicant can provide this item as a condition of any approval granted by the Board.

- b. #22 - Copies of applications to Sussex County Planning Board, Sussex County Soil Conservation District, and/or NJDOT, if applicable. A copy of the Sussex County Planning Board Application has been provided. Copies of applications to the NJDOT and Upper Delaware Soil Conservation District have not been provided. An approval from the NJDOT or a letter of no interest and approvals from the Sussex County Planning Board and the Upper Delaware Soil Conservation District can be a condition of any approval granted by the Board.
- c. #23 – One of the following: (a) A letter of interpretation from the N.J.D.E.P. indicating the absence of freshwater wetlands, or indicating the presence and verifying delineation of the boundaries of freshwater wetlands, or (b) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act, and regulations promulgated thereunder, or, (c) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands: The applicant has not provided this item; however, the applicant has provided a report by a wetlands scientist which outlines that no wetlands are located on or near the property in question. I believe this letter is satisfactory and a letter of interpretation can be waived for the sake of hearing the application.
- d. #40 – Circulation plans including existing and proposed streets, curbs, aisles, lanes, driveways, fire lanes, parking spaces, loading areas, walks, etc., indicating dimensions and material types.: The Applicant has requested a waiver from providing this item. Due to the sharp angle of the driveway, I believe a plan showing vehicles movements shall be provided to illustrate why the driveway shall remain at the sharp angle that exists today.
- e. #45 – Landscape Plan including the types, quantity, size and location of all proposed plantings. The scientific and common names shall be included. Include buffering plan showing berms, fences and construction details: The Applicant has requested a waiver from providing this item. I believe that a landscape plan should be provided which addresses the landscape requirements of the 206 Redevelopment Plan.
- f. #47 - Fire Protection Plans and Details including the proposed units, available water supply, storage tanks, watermain size, flow and hydrant/tank locations. (see Ordinance §159-7E): This item has not been provided and has been marked not applicable. Information regarding fire suppression should be provided for all buildings that will exist or are proposed on the subject property.
- g. #50 – Provisions for solid waste handling including dumpster location and details (screening, fencing, etc.): The Applicant has requested a

waiver from providing this item. Information regarding the location of a dumpster and solid waste handling needs to be provided.

- h. #60 – Three copies of the appropriate application form(s), completely filled in. If any item is not applicable to the Applicant, it should so be indicated on the application form(s). If completeness waivers are sought, explain, in writing, why waivers should be granted.: The application have been provided but no explanations have been provided why checklist items are being asked to be waived.

Checklist #6 – Final Site Plan - Conditional Use: Many items in Checklist #6, contain the same items requested in Checklist #1 and #5; therefore, instead of rewriting the same explanation I will simply state not provided and to refer to the previous stated comment for that checklist item.

- a. #20 - A copy of all existing protective covenants or deed restrictions affecting the property and a statement as to whether such deeds or covenants are of record. Include a copy of the original deed documents.: Item not provided, see previous comment.
- b. #21 – An electronic copy of plans in .DWG format or a compatible format: Waiver requested, see previous comment.
- c. #22 - Copies of applications to Sussex County Planning Board, Sussex County Soil Conservation District, and/or NJDOT, if applicable.: Not provided, see previous comment.
- d. #23 – One of the following: (a) A letter of interpretation from the N.J.D.E.P. indicating the absence of freshwater wetlands, or indicating the presence and verifying delineation of the boundaries of freshwater wetlands, or (b) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act, and regulations promulgated thereunder, or, (c) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands: Not provided, see previous comment.
- e. #39 – Circulation plans including existing and proposed streets, curbs, aisles, lanes, driveways, fire lanes, parking spaces, loading areas, walks, etc., indicating dimensions and material types.: Waiver requested, see previous comment.
- f. #44 - Landscape Plan including the types, quantity, size and location of all proposed plantings. The scientific and common names shall be included. Include buffering plan showing berms, fences and construction details: Waiver requested, see previous comment.

- g. #46 - Fire Protection Plans and Details including the proposed units, available water supply, storage tanks, watermain size, flow and hydrant/tank locations. (see Ordinance §159-7E): This item has not been provided, see previous comment.
- h. #49 - Provisions for solid waste handling including dumpster location and details (screening, fencing, etc.): Waiver requested, please see previous comment.
- i. #55 - Engineer's estimate and letter itemizing all elements covered under the performance bond. This item has not been provided; Due to the fact that no public improvements are proposed with this project, a performance bond will not be required.
- j. #57 - CD containing electronic copies of plans in CAD format and copies of reports and studies where applicable.: This item has not been provided; and should be provided as a condition of any approval granted by the Board.
- k. #59 - Copies of all permits issued by other agencies having jurisdiction.: This item has not been provided; and should be provided as a condition of any approval granted by the Board.
- l. #61 - Comparison reports, stating differences between the final plan and the plan receiving preliminary approval.: Since the Applicant is applying for preliminary and final site plan approval, this will not be required.
- m. #62 - Evidence of payment of mandatory development fees pursuant to Ordinance §190-32.2.: This item has not been provided; and should be provided as a condition of any approval granted by the Board if applicable.
- n. #64 – Three copies of the appropriate application form(s), completely filled in. If any item is not applicable to the Applicant, it should so be indicated on the application form(s). If completeness waivers are sought, explain, in writing, why waivers should be granted.: Partially Provided, see previous comment.

Checklist #7 – Appeals, Interpretations, Special Questions, Variances: Many items in Checklist #7 contain a number of the same checklist items as discussed before; therefore, instead of rewriting the same explanation I will simply say not provided and to refer to the previous stated comment for that checklist item.

- a. #36 - CD containing electronic copies of plans in CAD format and copies of reports and studies where applicable.: This item has not been provided; and should be provided as a condition of any approval granted by the

Board.

4. **Zoning Comments:**

- a. The Block 134 Lot 26 property is located in the Route 206 Redevelopment Zone. A review of the proposed bulk requirements for the Route 206 Redevelopment Zone and a review of the site plan elements shown on the variance plan is as follows:

Item	Required	Existing	Proposed Phase 1	Proposed Phase 2	Variance
Existing Residential Building/ Proposed Cannabis Retail Building					
Min. Lot Area	N/A	65,028 sf.	No Change	No Change	No
Min. Lot Width	100 ft.	97.83 ft. ⁽¹⁾	No Change	No Change	No
Min. Front Yard Setback	20 ft.	47.5 ft.	No Change	No Change	No
Min. Rear Yard Setback	20 ft.	73 ft. ⁽¹⁾	No Change	No Change	No
Min. Side Yard Setback	10 ft. each	5ft. ⁽¹⁾	8 ft. +/-	NA	Yes
Max. Building Coverage	50%	5.5%	5.3%	13.9%	No
Maximum Impervious Surface Coverage	75%	22.8%	22.7%	31.7%	No
Max. Building Height	3 Stories/ 50 ft.	1 Story/ 20 ft.	1 Story/20 ft.	N/A	No
Existing Garage with Apartment					
Min. Front Yard Setback	20 ft.	91.8 ft.	No Change	No Change	No
Min. Rear Yard Setback	10 ft.	35.8 ft.	No Change	No Change	No
Min. Side Yard Setback	5 ft.	51.1 ft.	No Change	No Change	No
Existing Garage Building					
Min. Front Yard Setback	20 ft.	170.2 ft.	No Change	N/A	No
Min. Rear Yard Setback	10 ft.	87.7 ft.	No Change	N/A	No
Min. Side Yard Setback	5 ft.	69.6 ft.	No Change	N/A	No
Proposed Cannabis Cultivation Building					
Min. Front Yard Setback	20 ft.	N/A	N/A	176.1 ft.	No
Min. Rear Yard Setback	10 ft.	N/A	N/A	86.9 ft.	No
Min. Side Yard Setback	5 ft.	N/A	N/A	15.7 ft.	No

⁽¹⁾ Existing Non-Conforming

- b. There are a few existing non-conforming conditions for the site that include: Minimum lot width, minimum side yard setback. Note while the minimum side yard of the existing residential building does not meet the required 10 foot setback, the newly renovated building and new side entry will require a variance in my opinion.

- c. The plans consider the garage with an apartment building an accessory structure. Now that the Route 206 Redevelopment Plan allows for multiple principal structures on a property, I would categorize this structure as another principal structure on the property.
- d. Based on a review of the Steep Slopes Analysis Plan the maximum steep slope disturbance requirements of Section 190-32.3 of the Township Code will not meet. A variance to permit disturbance of steep slope areas in amounts greater than indicated in Section 190-32.3F will be needed for the Phase 2 construction of the proposed cannabis cultivation building.
- e. The Applicant is seeking preliminary and final site plan approval and use variance relief. The proposed cannabis retail use is a permitted use in the Route 206 Redevelopment Zone. Residential apartments and cannabis cultivation uses, however are not permitted in the Route 206 Redevelopment Zone and will require d(1) use variance approvals.

5. Other Comments:

- a. Phasing: The plans show phasing of the development but no time line has been provided. Is this phasing to occur within a short period of time while a preliminary site plan approval is still valid or is this plan only for a future
- b. Existing 1 Bedroom Apartment and 2 Car Garage: No architectural plans have been provided for the existing/proposed apartment and garage. Floor plans for this building should be provided to the Board for review and approval.
- c. Proposed Cannabis Cultivation Building: No architectural plans have been provided for the cannabis cultivation building. If the Phase 2 portion of this project is to be included with this application, architectural plans for this three story building need to be provided for review and approval by the Board.
- d. There is not explanation what the 3rd existing building on the property will be utilized for in Phase 1 prior to the construction of the new cannabis cultivation building in Phase 2.
- e. The plans illustrate that the roof of the cannabis cultivation building will capture all stormwater and reuse the water as part of the internal cannabis plant irrigation. Stormwater calculations supporting this statement will need to be fully reviewed to assure that the project meets all applicable stormwater management regulations.

As shown above, there are a number of items that I believe are needed. These include 1) a traffic circulation information, 2) a landscaping plan, 3) fire suppression information, 4) refuse container information, 5) architectural plans for existing apartment and garage, 6) architectural plans for the proposed cannabis cultivation building, and 7) stormwater management calculations. These items, in my

opinion, are items that are needed in order for the Board to make a full and complete review of this application. It is, therefore, my recommendation that the application be deemed incomplete until the items listed above are provided.

Very truly yours,



Cory L. Stoner, P.E., P.P., C.M.E.
HAROLD E. PELLOW & ASSOCIATES, INC.
Andover Township Land Use Board Engineer

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cc: Via Email
Stephanie Pizzulo – Land Use Board Secretary