

# ANDOVER TOWNSHIP LAND USE BOARD

Date Submitted 11/17/23

Application # A2310

## LAND USE APPLICATION

Property Address: 14 Luchetti Way Block: 119 Lot: 8

Project Name: Proposed Addition to existing home

### 1. APPLICANT

### 2. PROPERTY OWNER

Name: Daniel P. Scully  
Address: 12 Nicole Lane  
Sparta NJ 07871  
Phone: 973-534-6462 Fax: \_\_\_\_\_  
Email: dan.scully@scullypainting.com  
Interest in Property: Owner

Name: Sully Properties LLC  
Address: 12 Nicole Lane  
Sparta NJ 07871  
Phone: 973-534-6462 Fax: \_\_\_\_\_  
Email: dan.scully@scullypainting.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 checked="" 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 type="checkbox"/> Preliminary Major Site Plan *   | <input type="checkbox"/> Other (informal, Planning Variance,<br>Extension of Approval) |
| <input 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: Michael Hanifan  
Address: 3 Main Street Newton, NJ 07860  
Phone: 973-383-8082 Fax: \_\_\_\_\_  
Email: office@hanifanlaw.com

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

Name: <u>Douwe Dykstra</u> Profession: <u>Engineer &amp; Surveyor</u> Address: <u>11 Lawrence Rd Ste 1</u> <u>Newton NJ 07860</u> Phone: <u>973-579-2177</u> Fax: <u>973-579-7777</u> Email: <u>jason@edykstra.com</u>	Name: <u>Jason Dunn</u> Profession: <u>Planner, Landscape Architect</u> Address: <u>11 Lawrence Rd Ste 1</u> <u>Newton NJ 07860</u> Phone: <u>973-579-2177</u> Fax: <u>973-579-7777</u> Email: <u>jason@edykstra.com</u>
Name: <u>Paul Ashworth</u> Profession: <u>Architect</u> Address: <u>49 Old Creamery Rd</u> <u>Newton, NJ 07860</u> Phone: <u>973-222-3110</u> Fax: _____ Email: <u>paul@PVArchitect.com</u>	Name: _____ Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____

6. LOCATION OF PROPERTY

Street Address: 14 Luchetti Way Block(s): 119  
Tract Area: 3.029 Acres Lot(s): 8  
Zone: R-2  
Tax Map Sheet # 28 Nearest Cross Street Goodale Rd

7. LAND USE

Existing Land Use: Residential, Single Family Home, Short-term rental

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

Proposed 2-story wood-frame addition to house. No new bedrooms. Addition is in front yard setback

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. -Single family Home

with individual septic, pond, and easement for power company long northeast property line

**8. PROPERTY**

Number of Existing Lots: 1 Are there existing deed restrictions or easements? yes

Number of proposed lots: n/a Are there proposed deed restrictions or easements?: no

List all existing and proposed non-conforming conditions or uses: existing home is 14.3' from right-of-way where minimum front yard is 50'. Proposed addition is in Front Yard

**9. APPLICATION SUBMISSION MATERIALS**

List all plans, reports, photos etc. (use additional sheets if necessary): \_\_\_\_\_

Variance Plan ,architect plan

**10. PREVIOUS OR PENDING APPLICATIONS**

List all previous or pending applications for this parcel (use additional sheets if necessary): \_\_\_\_\_

none

**11. ZONING SCHEDULE (COMPLETE ALL THAT APPLY)**

	REQUIRED	EXISTING	PROPOSED
Lot Area	87000	131927	no change
Lot Depth	na		
Frontage	na		
Front Yard Setback	50	14.3'	no change
Left Side Setback	30	76.1	56.1
Right Side Setback	30	319	no change
Rear Yard Setback	40	313	no change
Building Height	2 sty/35 ft	no change	no change
Maximum Lot Disturbance	na		
Critical Lot Disturbance	na		
Open Space	na		
Parking Setbacks	na		
Parking Spaces	na		
Loading Spaces	na		

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): 119, Lot(s): 8 in Andover Township, New Jersey.

Applicant Signature

Date 4/14/20

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.

[Signature] 11/14/23  
Signature (Applicant) Date

Daniel Scully  
Print Name

Sworn & Subscribed to before me this

14 day of NOVEMBER, 2023 (year)

[Signature] (notary)

JUDITH A. DEVANTOY  
Notary Public, State of New Jersey  
My Commission Expires 9/3/2027

15. CONSENT OF OWNER

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

[Signature]  
Signature (Applicant) Date

Daniel Scully  
Print Name

Sworn & Subscribed to before me this

14 day of NOVEMBER, 2023 (year)

[Signature] (notary)

JUDITH A. DEVANTOY  
Notary Public, State of New Jersey  
My Commission Expires 9/3/2027

**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.

N/A

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Applicant signature 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 7-25-23, 20\_\_\_\_ shows and discloses the premises in its entirety, described as Block(s)<sup>119</sup> \_\_\_\_\_ Lot(s)<sup>8</sup> \_\_\_\_\_; 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.

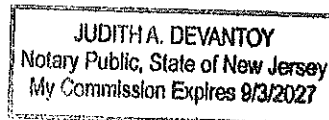
Sworn & Subscribed to before me this

[Signature] 11/14/23  
 Signature (Applicant) Date

14 day of NOVEMBER, 2023 (year)

Daniel Scully  
 Print Name

[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: Daniel Scully

Address: 12 Nicole Lane 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.

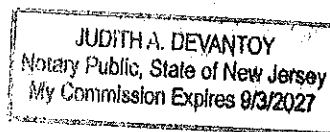
Sworn & Subscribed to before me this

*Daniel Scully* 11/14/23  
Signature (Applicant) Date

Daniel Scully  
Print Name

14 day of NOVEMBER, 20 23 (year)

*Judith A. Devantoy* (Notary)



Name of Corporation, Partnership, LLC or LLP: Applicant is not a corporation

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		
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

\_\_\_\_\_  
Signature (Applicant)                      Date

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (year)

\_\_\_\_\_  
Print Name

\_\_\_\_\_ (notary)



Ms. Daryn Cashin, CTC  
Andover Township  
134 Newton-Sparta Road  
Newton, NJ 07860

I hereby certify that the real estate taxes are paid currently on:

Block(s): 119

Lot(s): 8

Address: 14 Luchetti Way

\_\_\_\_\_  
Andover Township Tax Collector

\_\_\_\_\_  
Date

**Fee: \$10.00**

Checks or money orders made payable to Andover Township.

Please enclose a self-addressed, stamped envelope.

Fee Paid: \_\_\_\_\_

Date: \_\_\_\_\_

25. AFFIDAVIT OF OWNERSHIP

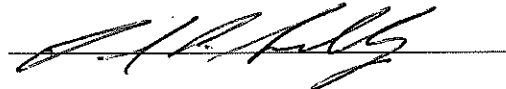
STATE OF NEW JERSEY

SS

COUNTY OF SUSSEX

Daniel Scully of full age, being duly sworn according to law on oath  
deposes and says, that the deponent resides at 14 Luchetti Way, in the municipality  
of Andover Township, in the County of  
Sussex and the State of NJ; that

Daniel Scully 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 14 Luchetti Way.



Owner Signature

Sworn & Subscribed to before me this

[Signature] 11/14/23 14 day of NOVEMBER, 2023 (year)  
Signature (Applicant) Date

Daniel Scully  
Print Name

[Signature] (notary)

JUDITH A. DEVANTOY  
Notary Public, State of New Jersey  
My Commission Expires 9/3/2027

Authorization

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

To: The Land Use Board:

Daniel Scully is hereby authorized to make the within application.

[Signature] Daniel Scully  
Owner's Signature

11/14/23  
Date