

ANDOVER TOWNSHIP LAND USE BOARD

8-28-23
A23-7

LAND USE APPLICATION

Property Address: 101 Elm Ave Block: 45 Lot: 8.01
Project Name: Emotional support chickens for Meena Walsky

1. APPLICANT

Name: Barry Walsky
Address: 101 Elm Ave
Newton (Andover Twp), NJ 07860
Phone: 908-451-8518 Fax: Same, call first
Email: Bwalsky@hotmail.com
Interest in Property: OWNER

2. PROPERTY OWNER

Name: Barry Walsky
Address: 101 Elm Ave
Newton (Andover Twp), NJ 07860
Phone: 908-451-8518 Fax: Same, call first
Email: _____

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,
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: n/a
Address: _____
Phone: _____ Fax: _____
Email: _____

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

Name: <u>n/a</u> Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____	Name: <u>n/a</u> Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____
Name: <u>n/a</u> Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____	Name: <u>n/a</u> Profession: _____ Address: _____ _____ Phone: _____ Fax: _____ Email: _____

6. LOCATION OF PROPERTY

Street Address: 101 Elm Ave Block(s): 45
 Tract Area: _____ Lot(s): 8.01
 Zone: R-0.5
 Tax Map Sheet # _____ Nearest Cross Street RT 517 Andover Sparta Rd

7. LAND USE

Existing Land Use: Single family residence

Proposed Land Use: Please describe in detail the project you are proposing and why you may need a particular variance.
Allow ownership of 4 chickens to be used as emotional support animals. Hens only, no roosters.

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. Gently sloping property with 150ft of lake shore on Lake Lenape. Several mature sugar maples, ash, hickory, mulberry trees. Modern engineered septic w/ leech field. Wood privacy fence surrounding yard.

8. PROPERTY

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

Number of proposed lots: 1 Are there proposed deed restrictions or easements? No

List all existing and proposed non-conforming conditions or uses: _____

9. APPLICATION SUBMISSION MATERIALS

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

Property survey 08/13/13; photographs 4/23

Doctor's letter

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		0.54	
Lot Depth			
Frontage			
Front Yard Setback	40	20	
Left Side Setback	40	40	
Right Side Setback	20	23.4	
Rear Yard Setback	20	50+	
Building Height			
Maximum Lot Disturbance			
Critical Lot Disturbance			
Open Space			
Parking Setbacks			
Parking Spaces			
Loading Spaces			

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): 45, Lot(s): 8.01 in Andover Township, New Jersey.

[Signature]
Applicant Signature

6/7/23
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.

Sworn & Subscribed to before me this

Signature (Applicant) Date

_____ day of _____, 20²³ (year)

Barry J. Walsky

_____ (notary)

Print Name

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.

Sworn & Subscribed to before me this

Signature (Applicant) Date

_____ day of _____, 20²³ (year)

Barry J. Walsky

_____ (notary)

Print Name

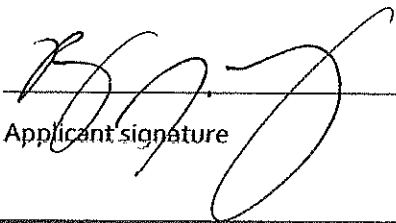
16. DISCLOSURE STATEMENT

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.



Applicant signature

4/19/23

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 August 13, 20¹³ shows and discloses the premises in its entirety, described as Block(s)⁴⁵ Lot(s)^{8,01}; 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.

Greenhouse not shown

Sworn & Subscribed to before me this

Signature (Applicant) Date

_____ day of _____, 20²³ (year)

Barry J. Walsky

_____ (notary)

Print Name

19 OWNERSHIP DISCLOSURE STATEMENT (APPENDIX D)

Name of Corporation, Partnership, LLC or LLP: n/a

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 _____, 20²³ (year)

Barry J. Walsky

(notary)

Print Name

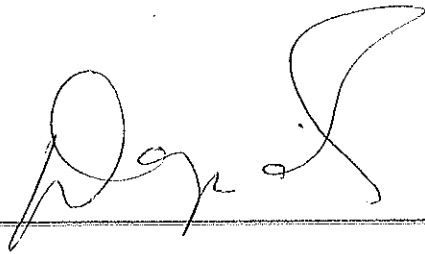
Ms. Daryn Cashin, CTC
Andover Township
134 Newton-Sparta Road
Newton, NJ 07860

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

Block(s): 45

Lot(s): 8.01

Address: 101 Elm Ave Newton, NJ



Andover Township Tax Collector

4/19/23

Date

Fee: \$10.00

Checks or money orders made payable to Andover Township.

Please enclose a self-addressed, stamped envelope.

Fee Paid: ✓

Date: 4/19/23

ck # 335

21. REQUEST FOR CERTIFIED LIST OF PROPERTY OWNERS (APPENDIX III)

I am requesting a list of property owners within two hundred feet (200') of the following subject property:

Address: 101 Elm Ave

Owner: Barry J Walsky

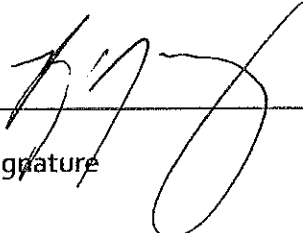
Block: 45 Lot: 8.01

Requestor's Name: Barry J Walsky

Address: 101 Elm Ave Newton NJ 07860

Email: Bwalsky@hotmail.com

Phone: 908-451-8518


Signature

4/19/23
Date

Fee: **\$10.00 per list** (Separate fee for each block and lot)

Please enclose a self-addressed, stamped envelope.

Mr. Jack Marchione, CTA
Andover Township
134 Newton-Sparta Road
Newton, NJ 07860

Fee Paid: _____

Date: _____

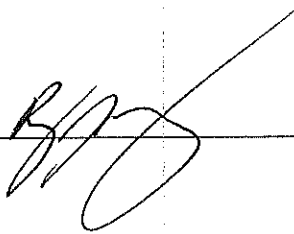
Sample Notice of Hearing

PLEASE TAKE NOTICE that the undersigned has made an application to the Andover Township Land Use Board for property known as Block(s) 45, Lot(s) 8.01, located at 101 Em Ave.

In addition, the applicant will request such variances, waivers, permits, approvals or licenses that are deemed necessary or appropriate by the Applicant or the Land Use Board.

This application is now on the calendar for the Andover Township Land Use Board and a public hearing has been set for 6/20/23 at the Andover Township Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860 at 7:30 p.m. When the case is called, you may appear either in person or by attorney to present any evidence, which you may have regarding the application. The matter will be heard on the above date or any adjourned date designated by the Land Use Board at the public meeting without additional notice.

The maps, plans, plats and application for which approval is being sought are on file with the Land Use Board Secretary and are available for inspection at the Municipal Building during normal business hours.

Barry J Walsky 

Notice must be published at least **10 days prior** to the meeting. Publish in the New Jersey Herald or the Sunday Herald newspaper:

To place the ad call: 844-994-0716 opt 3

23. NOTICE OF HEARING (APPENDIX V)

To property owners within 200 feet of subject parcel to be heard before the Land Use Board

In accordance with the requirements of the Andover Township ordinances and Municipal Land Use Law N.J.S.A. 40:55D-12 of the Revised Statutes of New Jersey, you are hereby notified that an application has been filed by the undersigned with the Land Use Board. The application and plans are available for examination in the Land Use Board Office during normal business hours.

Take notice that a public hearing will be conducted before the Land Use Board in connection with this application at the Andover Township Municipal Building, 134 Newton-Sparta Road, Newton, NJ 07860 on the _____ day of _____, 20²³ at 7:30p.m.

Property Involved:

Street Address: 101 Elm Ave

Block(s): 45

Lot(s): 8.01

Present Use: Single family residential

Proposed Use:

Single family residential

Nature of relief or variance requested:

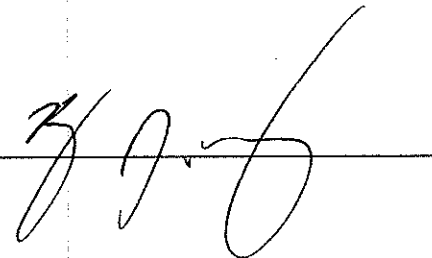
Ownership of up to 4 hens, no roosters

and any other variances, waivers or approvals deemed necessary by the Land Use Board.

Further take notice that said Land Use Board may at its discretion, adjourn, postpone, or continue the said hearings from time to time, and you are hereby notified that you should make diligent inquiry of the Land Use Board Secretary concerning such adjournments, postponements or continuations.

Barry J Walsky

Applicant



Andover Township Land Use Board

Affidavit of Service

STATE OF NEW JERSEY:

SS:

COUNTY OF SUSSEX:

The undersigned, of full age, being duly sworn according to law, on his/her oath deposes and says that he/she is the APPLICANT or AGENT and that he/she did on _____, at least ten (10) days prior to the hearing date, give personal notice to all property owners within 200 feet of the property known as Block 45, Lot B.01, with a street address of 101 elm ave, in the R0.5 zone, Andover Township, County of Sussex, State of New Jersey, and all public utility and cable television companies serving the municipality by Certified Mail – Return Receipt requested. A copy of the Notice (Exhibit "A") and the registered receipts are attached.

Notices were also served upon utilities, County Planning Department, N.J.D.O.T. etc...if applicable.

Notice was also published in the New Jersey Herald, the official newspaper of the Andover Township Land Use Board as required by law, and Proof of Publication is attached (Exhibit "B"). Note: if proof of service has not been received from the newspaper, applicants may use a photocopy of the notice.

Attached (Exhibit "C") is a copy of the Certified List of Property owners within 200 feet of the affected property who were served, showing the block and lot numbers of each property as shown on the Andover Township Tax Map.

Sworn & Subscribed to before me this

_____/_____/23
Signature (Applicant) Date _____ day of _____, 20²³ (year)

Barry J. Walsky _____ (notary)
Print Name

Notice: Affidavit of Service must be filed with the Land Use Board Secretary at least three (3) days prior to hearing or the matter will not be heard.

25. AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

SS

COUNTY OF SUSSEX

Barry J Walsky of full age, being duly sworn according to law on oath
deposes and says, that the deponent resides at 101 Elm Ave, in the municipality
of Andover township, in the County of
Sussex and the State of New Jersey; that
Barry Walsky 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 _____.

Owner Signature

Sworn & Subscribed to before me this

_____ day of _____, 20²³ (year)

Signature (Applicant) **Date**
Barry J. Walsky
Print Name

(notary)

Authorization

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

To: The Land Use Board:

_____ is hereby authorized to make the within application.

Owner's Signature

Date

Center for Assessment and Treatment
A New Jersey Non-Profit Corp

254B Mountain Ave Suite 300
Hackensack, NJ 07840

P: 908-852-5858

F: 908-852-2838

www.assessmentandtreatment.org



May 10, 2018

To Whom It May Concern:

Ms. Ganti has been a patient here at Center for Assessment and Treatment. She has been diagnosed with a psychiatric disability. Although the rules say that there is a 'no pets' policy, it is our professional opinion her emotional support animal is necessary to ensure her emotional well being. We are therefore requesting a reasonable accommodation under the federal Fair Housing Amendments Act of 1988 (42 U.S.C. 3601, et seq.).

It is our hope this letter serves as a "prescription" for an emotional support animal to help Ms. Ganti compensate for her disability as it is our position her emotional support animal is necessary. We are asking you modify your existing pet rules to permit her to have an emotional support animal as recommended.

Thank you for your time and consideration; should you have any additional questions or concerns, please do not hesitate to contact us at 909-852-5858.

Thank you,

A handwritten signature in black ink, appearing to read 'Alex Muthig'.

Alex Muthig, APRN