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October 13, 2023

MEMORANDUM TO: Andover Township Land Use Board

FROM: Cory L. Stoner, P.E., P.P., C.M.E., Andover Township Planning Board Engineer

SUBJECT: ENGINEERING REVIEW
Variance Application for Barry Walsky
Property Located at 101 Elm Avenue
Block 45 Lot 8.01
Andover Township, Sussex County
HPA No. 23-379

Dear Board Members:

The Applicant has submitted a variance application to permit the keeping of chickens on the subject property. Based on a review of this application, I offer the following comments:

1. The items submitted in support of this application include:
 - a. A hand mark-up of a survey entitled, “Location Survey, Tax Block 45 Lot 8.01, Township of Andover, Sussex County, New Jersey”, prepared by D.P. Sweeney & Associates, consisting of one (1) sheet and dated August 13, 2013.
 - b. A letter dated May 10, 2018 written by Alex Mutia of the Center for Assessment and Treatment stating the need for an emotional support animal.
 - c. Application and supporting documents.
2. The Applicant is requesting a variance in order to keep four chickens (hens only) on Block 45 Lot 8.01 located in the R-5 Zone. The Applicant has stated that the chickens are used as emotional support animals. Per Section 190-42 of the Township Code agriculture, farm and horticultural uses require a minimum area of six acres. Section 20-1 and Section 190-4 of the Township Code also state that poultry is not considered a domestic animal and cannot be kept as a pet. A use variance will be required for the keeping of chickens on the subject property. The Applicant must be prepared to discuss the need for keeping chickens on the subject property and be prepared to discuss all aspects of keeping of the chickens with the Board.
3. The plan supplied is difficult to read but the plan shows an existing shed, two proposed chicken pens; one with a 2’x4’ chicken coop, as well as a 10’ x 12’ greenhouse. The

Applicant should be prepared to discuss all existing and planned improvements on the subject property with the Board.

4. If zoning permits have not been sought for any existing accessory structures these permits should be applied for as a condition of any approval granted by the Board.
5. Per Section 190-13 of the Township Code, any accessory structure placed along the County Route 517 frontage must not be located closer to the right-of-way than the dwelling is to Elm Avenue or a variance will be required.
6. Both Chicken pens are shown on an existing access easement which runs to the Lake Lenape Association property. The Lake Lenape Association driveway, however, does not follow this easement. The Applicant should obtain written approval from the Association for the placement of structures.
7. There is an existing six-foot fence along County Route 517. It is recommended that the Applicant request a variance from Section 190-97 of the Township Code for a six-foot fence in the front yard to assure that the fence has proper approvals.

Very truly yours,



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

MJM:mjm
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