

2010
PERIODIC REEXAMINATION REPORT
OF THE MASTER PLAN AND
DEVELOPMENT REGULATIONS

Andover Township
Sussex County, New Jersey

March 22, 2010

Prepared by the Andover Township Land Use Board

with assistance from

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The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

ANDOVER TOWNSHIP
Periodic Reexamination Report of the
Master Plan and Development Regulations
March 22, 2010

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Executive Summary

The Amendment to the Master Plan – Residential Land Use Plan and Resource Conservation Element dated October 15, 2005, adopted by the Andover Township Planning Board on October 31, 2005 focused primarily, as the title suggests, on the Township's residential zone districts. With the exception of a portion of the Industrial zone district situate to the west of Andover Borough, the 2005 Master Plan Amendment did not propose any change to the Township's Industrial zone districts. A separate report entitled Master Plan Reexamination Report For Andover Township, also dated October 15, 2005, revised and adopted on October 31, 2005 likewise focused on the Township's residential zones as a prelude to consideration of the Township's Housing Element and Fair Share Plan.

In 2007 the Andover Land Use Board approved another Master Plan Reexamination Report entitled 2007 Periodic Reexamination Report of the Master Plan and Development Regulations, dated and adopted on December 18, 2007. This 2007 Reexamination Report likewise concentrated on the Township's residential districts in order to formulate new policies upon which an updated Housing Element and Fair Share Plan could be based. The 2007 Master Plan Reexamination Report also called for a new comprehensive Master Plan, noting that the last such effort dated back to 1989.

The present Reexamination Report considers the Township's Industrial zoning and offers recommendations for certain changes. As in May 2008 when an amendment to the aforementioned 2007 reexamination report was approved to broaden the scope of a new zone, the Professional Office / Residential district, Andover Township's Land Use Board continues to evaluate the municipality's land use policies through the Master Plan reexamination process in accordance with the provisions of the Municipal Land Use Law.

1.0 INTRODUCTION

The Municipal Land Use Law at N.J.S.A. 40:55D-89, includes the following statement relative to the periodic examination of a municipal Master Plan:

The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board and the municipal clerk of each adjoining municipality. The first such reexamination shall have been completed by August 1, 1982. The next reexamination shall be completed by August 1, 1988. Thereafter, a reexamination shall be completed at least once every 6 years from the previous reexamination.

The most recent Master Plan Reexamination Report was adopted by the Land Use Board on December 18, 2007 followed by an amendment to same in May 2008. The first complete Master Plan or Comprehensive Development Plan as it was then known was

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undated but appears to have been prepared in 1958 or 1959. Another full Master Plan followed in 1976 and again in 1989. In addition, a number of more focused planning studies have been prepared and adopted over the years and are identified in the listing below.

1. Evaluation of Groundwater Resources of Andover Township, Sussex County, New Jersey: December 17, 2009
2. Amendment to the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations: May 12, 2008
3. Periodic Reexamination Report of the Master Plan and Development Regulations: December 18, 2007
4. Natural Resource Inventory: February 2007
5. Build-Out and Capacity Analysis: May 1, 2007
6. Master Plan Reexamination Report: October 15, 2005; Revised October 31, 2005
7. Amendment to the Master Plan Residential Land Use Plan and Resource Conservation Element: October 15, 2005
8. Housing Plan and Fair Share Plan: October 15, 2005
9. Stormwater Management Plan: April 2005
10. Andover Township State Plan Cross Acceptance Report: December 18, 2004
11. Andover Township Sussex County Strategic Growth Report: December 18, 2004
12. Master Plan Amendment: May 15, 2000
13. 2000 Master Plan Reexamination Report: April 10, 2000
14. Natural Resource Inventory 1999
15. Amendment to Andover Township Master Plan: adopted March 16, 1998
16. Wastewater Management Plan: Revised February 1997
17. Housing Element / Fair Share Plan: adopted June 3, 1996
18. Wastewater Management Plan: Revised December 1996
19. Housing Element / Fair Share Plan: May 15, 1995
20. Master Plan Reexamination Report: 1994
21. Master Plan "From 1989 to 1992": December 7, 1992
22. Route 206 Corridor [Study]: September 1991
23. 1989 Master Plan: September 1989, adopted on August 21, 1991

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24. Master Plan Reexamination Report: adopted November 15, 1982
25. Andover Township Recreation Master Plan: 1978
26. Andover Township Master Plan: 1976
27. A Comprehensive Development Plan (1958 estimated)

2.0 FRAMEWORK FOR THE PERIODIC REEXAMINATION OF THE MASTER PLAN

The Municipal Land Use Law sets forth the following five questions to be addressed in preparing the Reexamination Report:

- | | |
|----------------------|--|
| <u>C. 40:55D-89a</u> | The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. |
| <u>C. 40:55D-89b</u> | The extent to which such problems and objectives have been reduced or have increased subsequent to such date. |
| <u>C. 40:55D-89c</u> | The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives. |
| <u>C. 40:55D-89d</u> | The specific changes for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be proposed. |
| <u>C. 40:55D-89e</u> | The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c. 79 (C. 40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality. |

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3.0 C.40:55D-89a: THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST REEXAMINATION REPORT.

In December 2007 the Andover Township Land Use Board adopted a Master Plan Reexamination Report entitled 2007 Periodic Reexamination Report of the Master Plan and Development Regulations, dated December 18, 2007. The key issues addressed in the 2007 Report were:

- Address concerns raised in the 2005 Residential Land Use Element
- Reevaluate ‘Centers’ strategy
- Address prior and third round affordable housing obligation

4.0 C. 40:55D-89b: THE EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO SUCH DATE.

4.1 Residential Zoning

The 2007 Master Plan Reexamination Report called for residential zoning in the ‘Environs’ to be consistent with the policies of the State Development and Redevelopment Plan. Although no residential rezoning has been implemented as of this Report, Andover Township has analyzed its overall land use plan and its residential zoning in particular with regard to the New Jersey Department of Environmental Protection’s *Water Quality Management Planning* requirements as established in N.J.A.C. 7:15. This process involves setting overall limits on the number of on-site septic systems (“individual subsurface sewage disposal system”) on a sub-watershed basis. As of this Report the NJDEP and Sussex County officials have not completed the build-out analyses at the HUC 11¹ level therefore the Township will wait until this study is completed before considering modifications to its residential density standards.

4.2 Centers

Andover Township initiated discussions with the State Planning Commission’s Office of Smart Growth to explore Plan Endorsement. It was decided to postpone a formal application for a variety of reasons, chief among them the need to revise the Township’s Housing Element and Fair Share Plan. The Township remains open to the possibility of creating one or more centers.

¹ HUC 11 is defined as a “hydrologic unit code” which is an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey. Source: N.J.A.C. 7:15-1.5

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4.3 Affordable Housing

Andover Township's Land Use Board adopted a revised Housing Element and Fair Share Plan on December 16, 2008 and pursuant to authorization by the Township Committee, submitted same to the Council On Affordable Housing with a petition for substantive certification. COAH granted Andover Township substantive certification on October 26, 2009.

5.0 C. 40:55D-89c: THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO THE DENSITY AND DISTRIBUTION OF POPULATION AND LAND USES, HOUSING CONDITIONS, CIRCULATION, CONSERVATION OF NATURAL RESOURCES, ENERGY CONSERVATION, COLLECTION, DISPOSITION AND RECYCLING OF DESIGNATED RECYCLABLE MATERIALS, AND CHANGES IN STATE, COUNTY AND MUNICIPAL POLICIES AND OBJECTIVES.

5.1 Land Use Policies

There have not been significant changes to the assumptions, policies and objectives which guided the 2007 Master Plan Reexamination Report except for the creation of a new zone district in 2008 known as the Professional Office / Residential zone district which was addressed in an amendment to the 2007 Reexamination Report. The new zone was established by Ordinance in mid-2009.

One additional change in the assumptions, policies and objectives has also occurred since the Reexamination Report was issued three years ago which is the Township's intention to address the viability of its Industrial zoning.

Andover Township has six distinct areas throughout the municipality in the Industrial [I] zone district and one area, commonly referred to as Jump Airport, zoned as Industrial-Airport 2 [I/A-2]. In total these seven areas comprise approximately 1,141 acres or 8.6 percent of the land area within the Township (Exhibit 1). The areas in question, designated A through G, are described below.

1. Study Area A

Study Area A comprises one parcel, Lot 17.15 in Block 134. Lot 17.15 is actually situate in the Highway Commercial zone district where it fronts upon Route 206 at two separate points and in the Industrial zone for the majority of the site east of the highway. The property is utilized for agricultural/commercial purposes and has a Farm Qualified tax classification.

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Study Area A

Block	Lot	Acres	Tax class	Owner
134	17.15 ^(a)	30.5	3B	S.C. Strawberry Farm
Total		30.5		

(a) Split lot; I & HC

2. Study Area B

Study Area B consists of three parcels, two of which constitute Jump Airport. The smallest of the three properties, Lot 20, is presently vacant.

Study Area B

Block	Lot	Acres	Tax class	Owner
151	20	4.8	1	Jump Lumber
151	21 ^(b)	10	4A	RRL Group
151	21 ^(b)	86.8	3B	RRL Group
Total		101.6		

(b) I/A-2 zone

Study Areas A & B are depicted on Exhibits 2.1 and 2.2.

3. Study Area C

Study Area C consists of 12 parcels having frontage on the east and west sides of Stickles Pond Road. Two lots are owned by the State of New Jersey, Department of Environmental Protection including the largest tract in this area, Lot 2 with 74.3 acres. Two properties are undeveloped, one contains an unoccupied building, two others are identified as commercial and one, Lot 4.01 (Thor Labs) has an industrial tax classification. The New Jersey Nature Conservancy owns most of the land on the westerly side of Stickles Pond Road. (Exhibits 3.1 and 3.2)

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Study Area C

Block	Lot	Acreage	Tax class	Ownership
128	4.01	2.9	4B	WHF Enterprises
128	4.02	5.3	4A	CCOM LLC
128	4.03	7.5	4A	Gianni, A & E
128	4.04	2	4B	Alex Cable Inc.
129	2	74.3	15C	State of NJ / DEP
160.02	1	3.8 ^(c)	15C	State of NJ / DEP
126	5	35.3	15F	Nature Conservancy
126	5.01	5	15F	Nature Conservancy
126	5.02	3	1	Malkin, Kenneth
126	5.03	3.5	4A	Schwans Sales Enterprises
126	5.04	3.2	15F	Nature Conservancy
126	5.05	2.9	15F	Nature Conservancy
Total		148.7		

(c) Portion of Lot 1 in the Industrial zone district

4. Study Area D

Study Area E consists of five parcels of which four are owned by the State of New Jersey, Department of Environmental Protection. One parcel, Lot 2 consisting of 14.4 acres is undeveloped. (Exhibits 4.1 and 4.2)

Study Area D

Block	Lot	Acreage	Tax class	Ownership
114	1	266.8	15C	State of NJ / DEP
114	2	23.8	15C	State of NJ / DEP
114	3	14.4	1	VSC, Inc
115	2	0.58	15C	State of NJ / DEP
115	4	0.89	15C	State of NJ / DEP
Total		306.5		

5. Study Area E

Study Area E consists of three properties. Lot 4.01 is currently utilized for a mulch production operation. Lot 4.02 (Block 108) and Lot 1 (Block 108.01) have historically been utilized for quarry operations. Directly northeast, on the opposite side of County Route 669 (Limecrest Road) in Sparta Township is an active quarry operation. (Exhibits 5.1 and 5.2)

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Study Area E

Block	Lot	Acreage	Tax class	Ownership
108	4.01	3.5	4A	Pyskaty, Robert
108	4.02	85.4	4A	Limecrest Quarry Developers LLC
108.01	1	5.6	4B	Limecrest Quarry Developers LLC
Total		94.5		

7. Study Area F

Study Area G consists of 21 parcels and at 445.7 acres represents the largest Industrial zone district in the Township. The majority of the land is Farm Assessed or Farm Qualified. It includes parcels with frontage on Route 206 and on Brighton Road (CR 603). One parcel, Lot 2 in Block 163 was identified in the October 2005 Amendment to the Master Plan as “*Center Expansion*” related to a proposed development in adjacent Andover Borough. (Exhibits 6.1 and 6.2)

Study Area F

Block	Lot	Acreage	Tax class	Ownership
72	1.05	7.9	15C	State of NJ / DEP
161	3	1	3A	Scotto Land Industries
161	3	198.1	3B	Scotto Land Industries
161	3.01	8.9	3B	Scotto Land Industries
161	3.01	2	4B	Scotto Land Industries
161	4	5.1	3B	Sussex Properties Ltd.
161	5	9.4	4A	Hefter Andover Realty
161	5.01	4.4	4A	Leifken Andover Realty
161	5.02	5.5	1	Fischer & Son Sawmills
163	1	1.5	3B	Sussex Properties LTD
163	2	65.2	3B	Scotto Land Industries
163	4.01	41.9	1	Goncalves, Jose & A.
163	4.02	18.2	1	Investor Properties
163	4.03	30	4B	Goldmine Enterprises
163	5	6.4	3B	Sussex Properties Ltd
164	1	0.4	1	Brighton Realty Corp.
164	2	7.1	1	Reilly Realty
164	3	21.4	3B	Sussex Properties
165	2	7.3	15F	State of NJ / DOT ^(d)
166	1	2	3B	Washer, Richard & F.
166	2	2	3B	Sussex Properties
Total		445.7		

(d) Railroad right-of-way.

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8. Study Area G

Study Area H consists of three lots, two of which are split between Highway Commercial and Industrial zone districts. (Exhibits 7.1 and 7.2)

Study Area G

Block	Lot	Acreage	Tax class	Ownership
159	1.01	0.75 ^(e)	2	Hoffman, Terry & L.
159	2	4.4 ^(e)	4A	Frank & Daughters
159	4	8.5	3B	Geiselhart, Erwin & M.
Total		13.65		

(e) Approximate – portion of lots 1.01 and 2 in Highway Commercial zone district

6.0. C. 40:55D-89d: THE SPECIFIC CHANGES FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS, IF ANY, INCLUDING UNDERLYING OBJECTIVES, POLICIES AND STANDARDS, OR WHETHER A NEW PLAN OR REGULATIONS SHOULD BE PROPOSED.

6.1 Modify the Industrial Zone Districts

This Reexamination Report recommends Study Area E be modified to a distinct Industrial classification such as General-Industrial to allow operations which have a synergistic relationship to the quarry in the adjacent municipalities of Lafayette and Sparta. Such operations would include concrete and asphalt production and related products.

Chapter 190 entitled *Zoning*, would thus be revised to include this new zoning classification in Article IV entitled *Establishment of Zones* (§190-33), Article V entitled *Use and Bulk Regulations* (§190-34, specifically Tables 2 and 4 entitled *Uses Permitted in Nonresidential Zones* and *Uses Permitted in Nonresidential Airport Zones*, respectively), and Table 5 entitled *Schedule of General Zoning Regulations for Andover Township*. In addition, §190-22 entitled *Prohibited Uses* should be amended to modify Subsection ‘J’ as follows:

“Crushers, asphalt and concrete product plants in all zone districts except in the General-Industrial zone district where such uses shall be permitted subject to site plan approval in accordance with the standards set forth in this Chapter.”

In addition, this Reexamination Report recommends the Land Use Board consider the following actions with regard to the remaining Industrial zone districts:

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- Consider rezoning portions of other Industrial districts to a Public Use or Conservation category where ownership rests with NJDEP/Green Acres and the Nature Conservancy.

- Evaluate the remaining industrially-zoned lands to determine if rezoning is appropriate in consideration of the applicable land characteristics and surrounding development patterns.

7.0 C. 40:55D-89e: THE RECOMMENDATIONS OF THE PLANNING BOARD CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS ADOPTED PURSUANT TO THE “LOCAL REDEVELOPMENT AND HOUSING LAW”, P.L. 1992, C. 79 (C. 40A:12A-1 ET SEQ.) INTO THE LAND USE PLAN ELEMENT OF THE MUNICIPAL MASTER PLAN, AND RECOMMENDED CHANGES, IF ANY, IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY.

7.1 Redevelopment Planning

There are no recommendations for a Redevelopment Plan at this time.

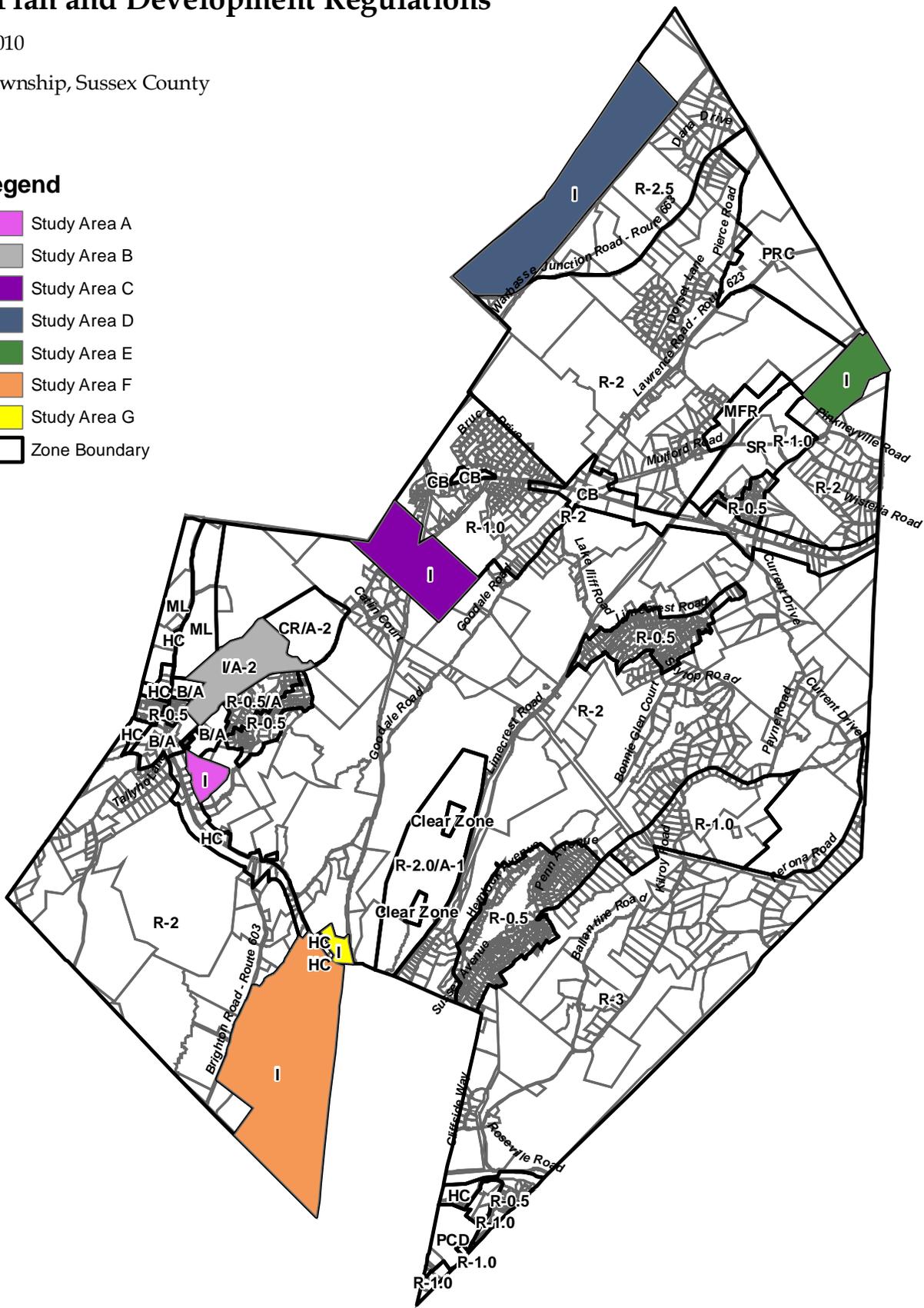
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Andover Township, Sussex County

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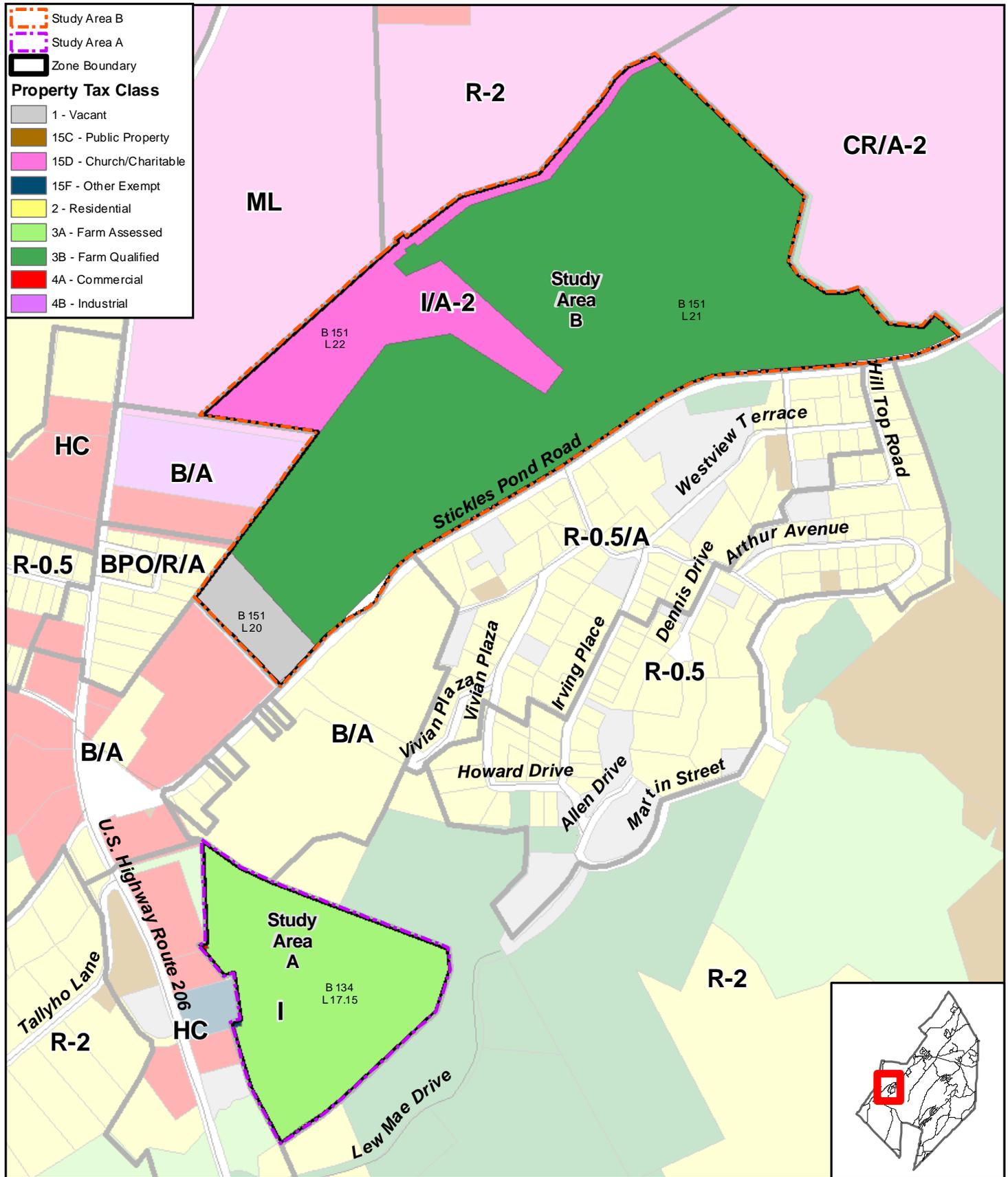
- Study Area A
- Study Area B
- Study Area C
- Study Area D
- Study Area E
- Study Area F
- Study Area G
- Zone Boundary



Data Sources:
Andover Township Engineer

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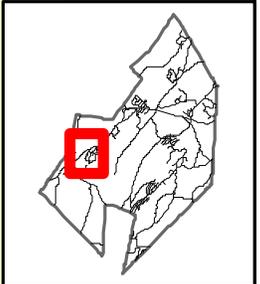


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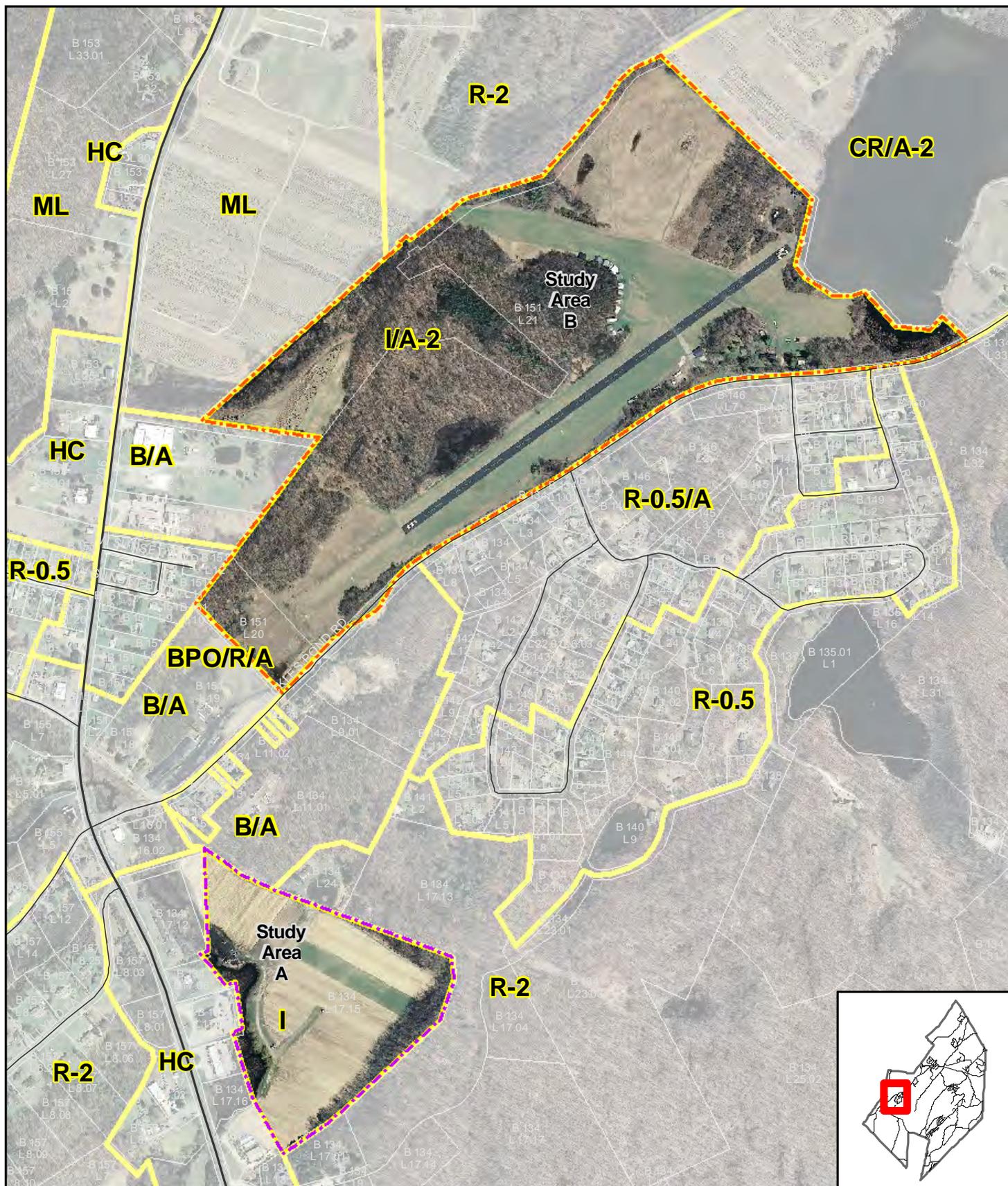
- Study Area B (Orange dashed line)
- Study Area A (Purple dashed line)
- Zone Boundary (Black solid line)

Property Tax Class

- 1 - Vacant (Grey)
- 15C - Public Property (Brown)
- 15D - Church/Charitable (Pink)
- 15F - Other Exempt (Dark Blue)
- 2 - Residential (Yellow)
- 3A - Farm Assessed (Light Green)
- 3B - Farm Qualified (Dark Green)
- 4A - Commercial (Red)
- 4B - Industrial (Purple)



Data Sources:
 Andover Township Engineer



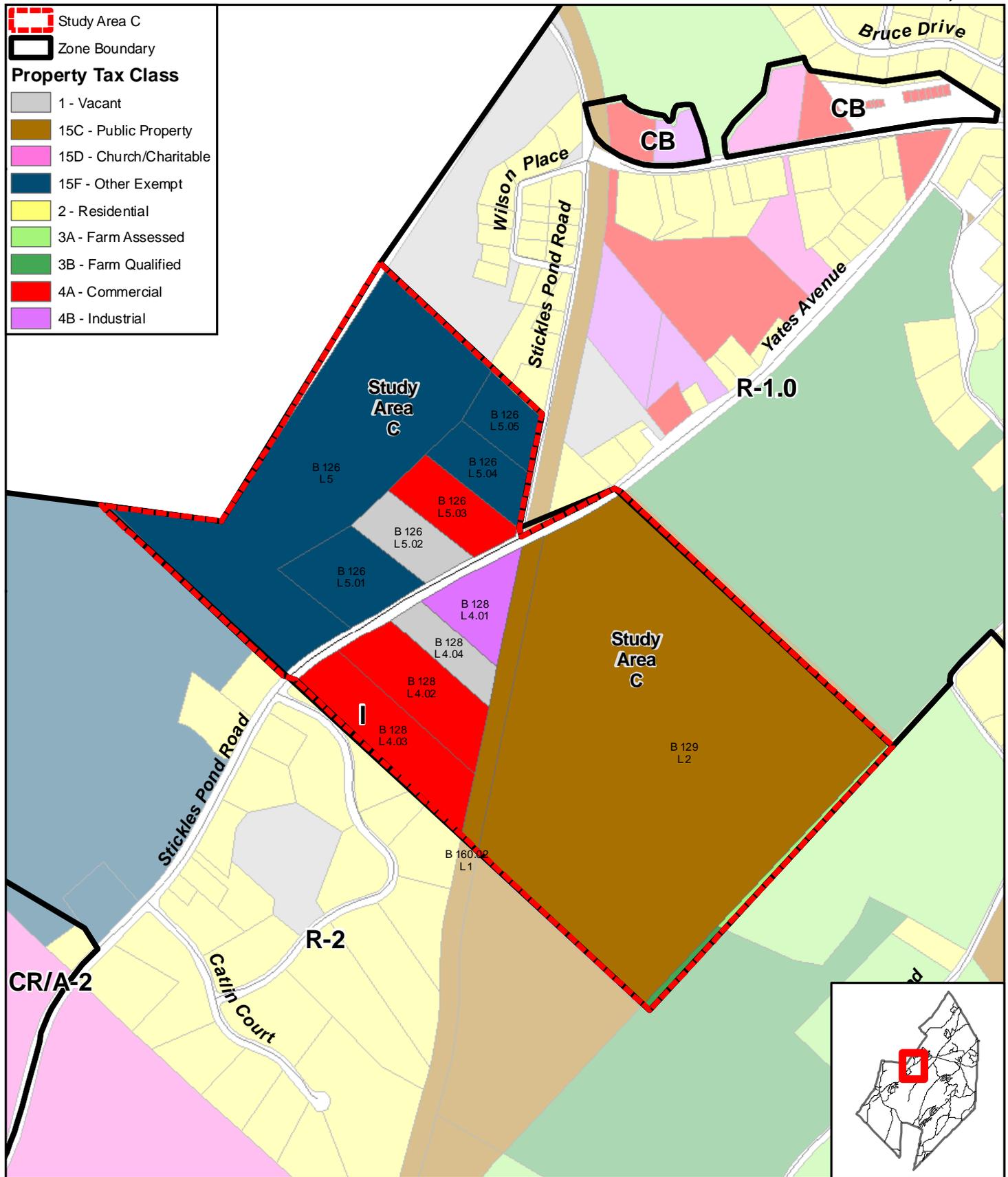
- Study Area B
- Study Area A
- Zone Boundary
- Property Tax Class

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 Andover Township Engineer

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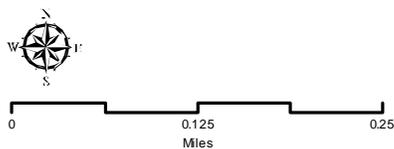
Exhibit 3.1

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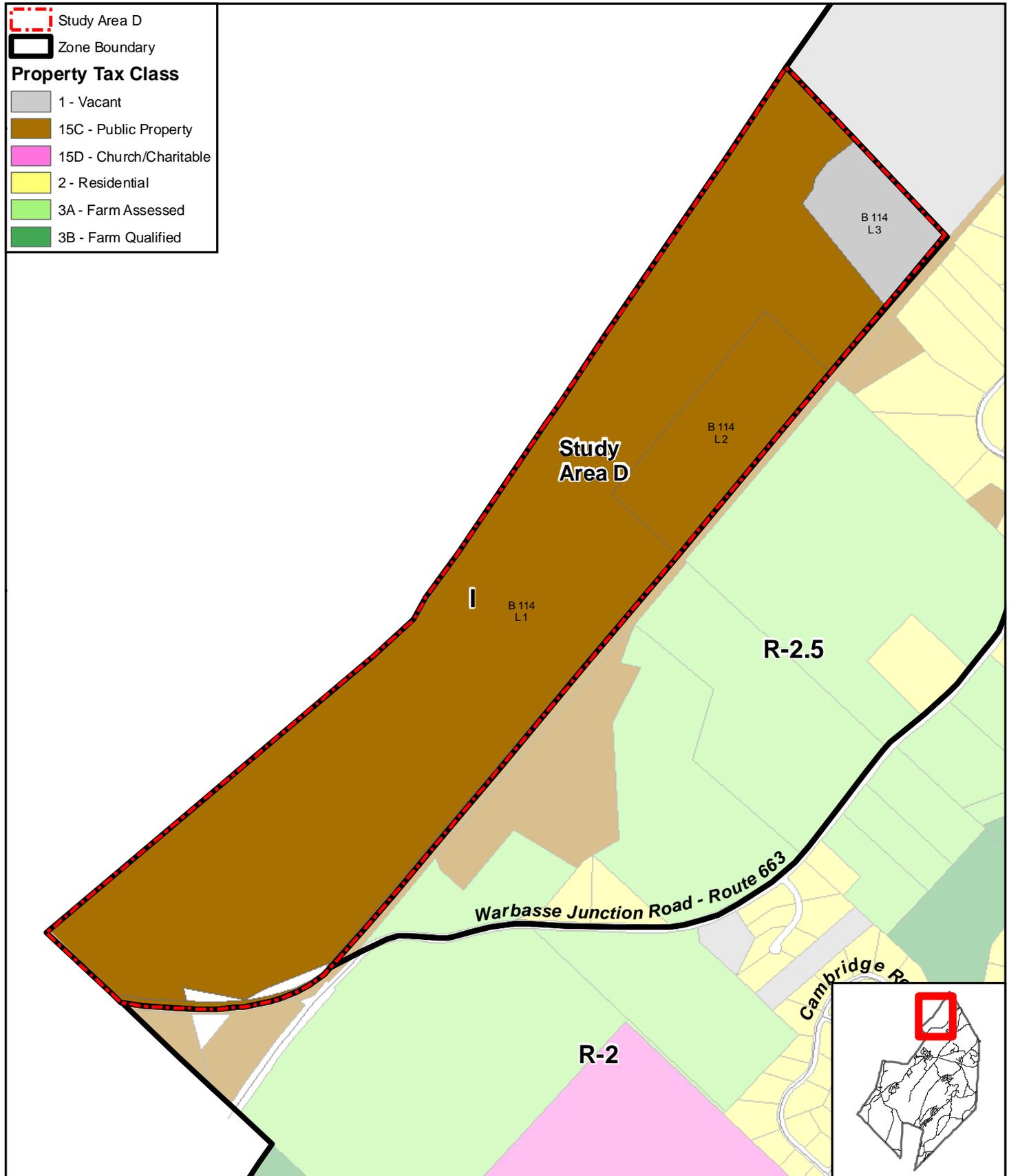
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ASSOCIATES, INC.
Planning and Design

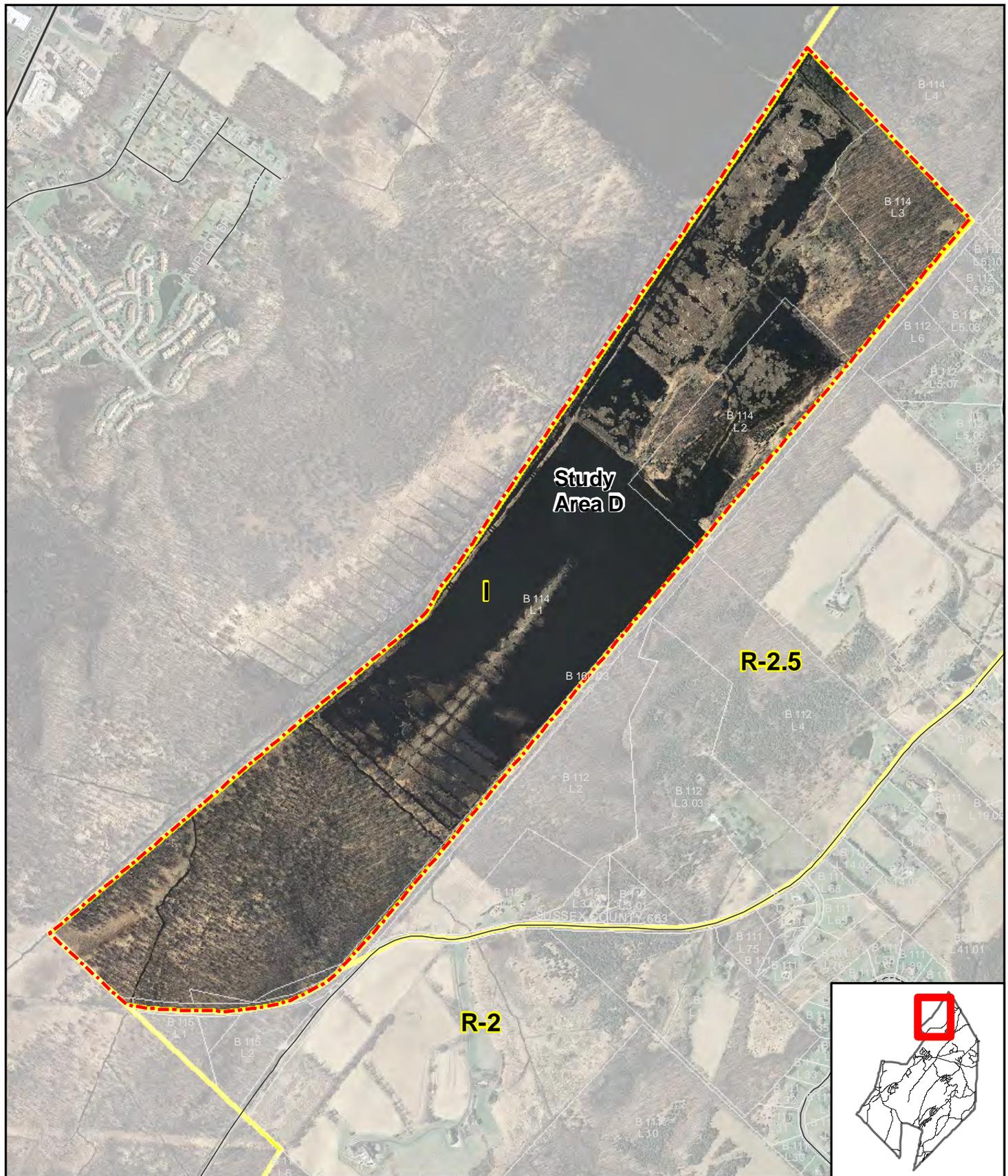


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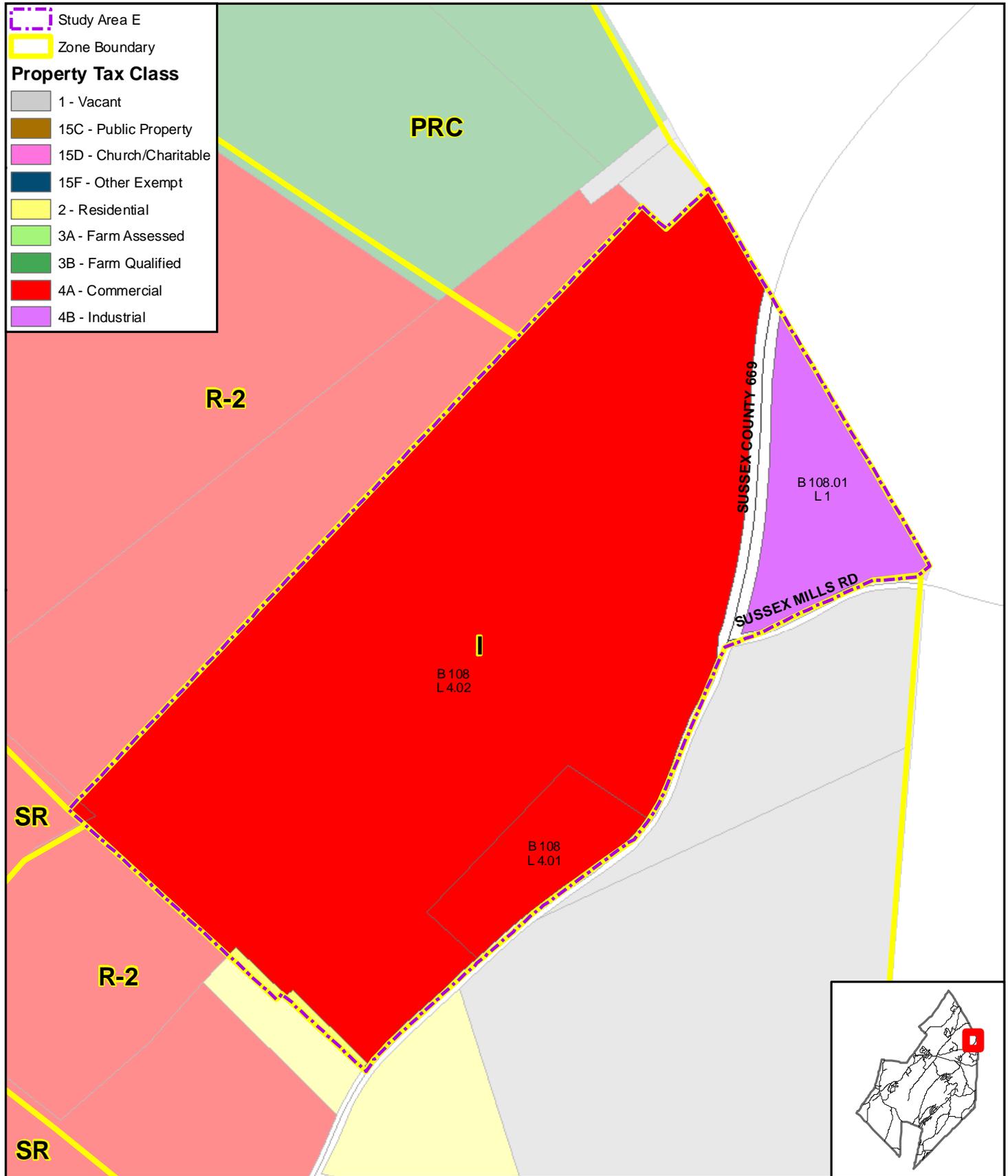


-  Study Area D
-  Zone Boundary
-  Parcel

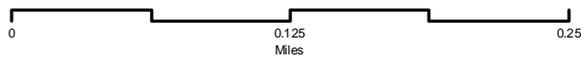
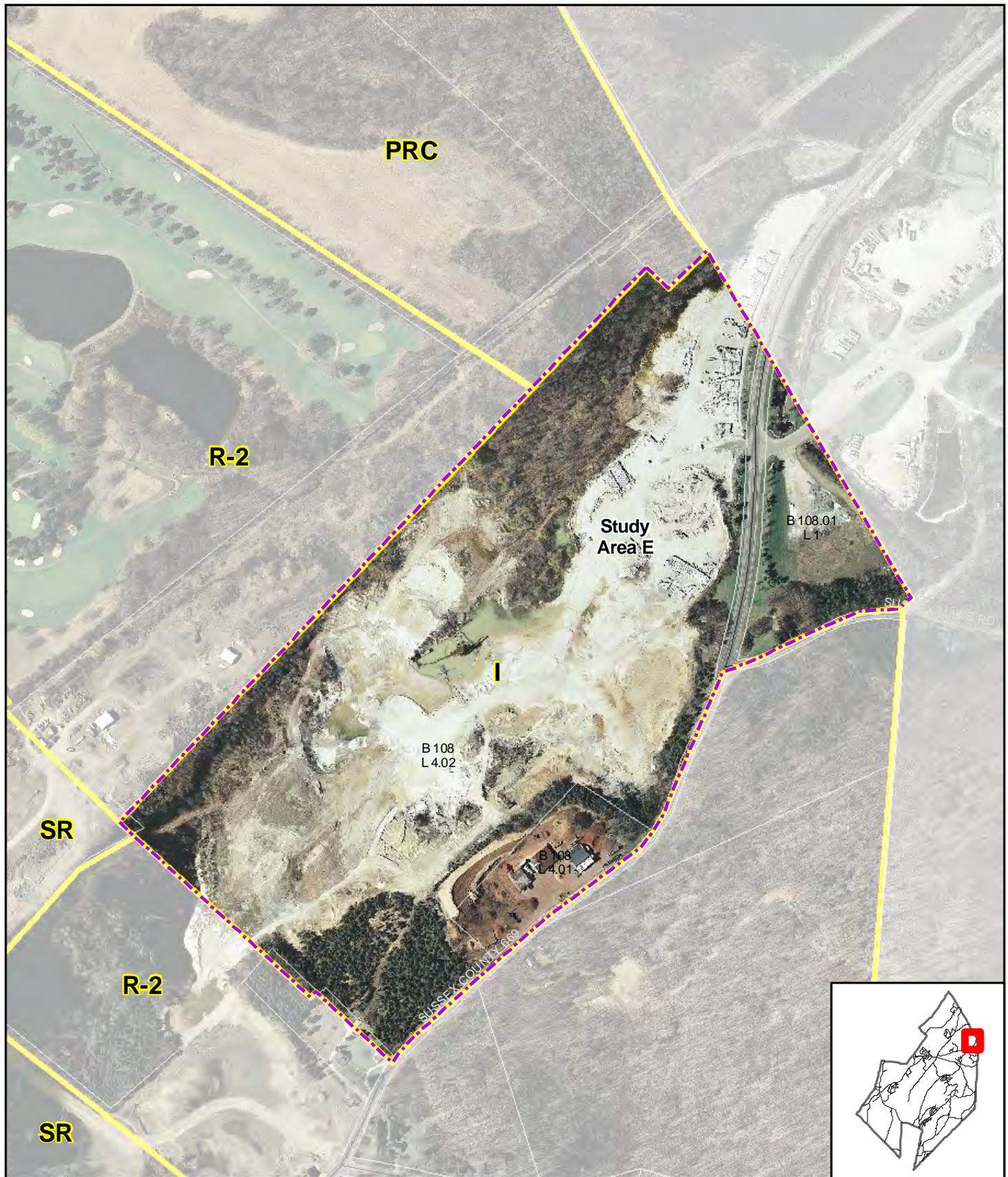
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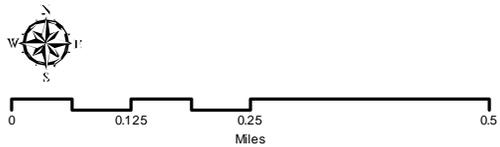
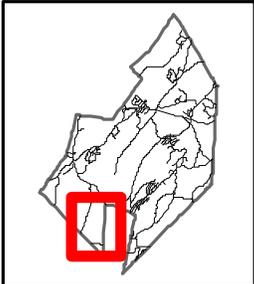
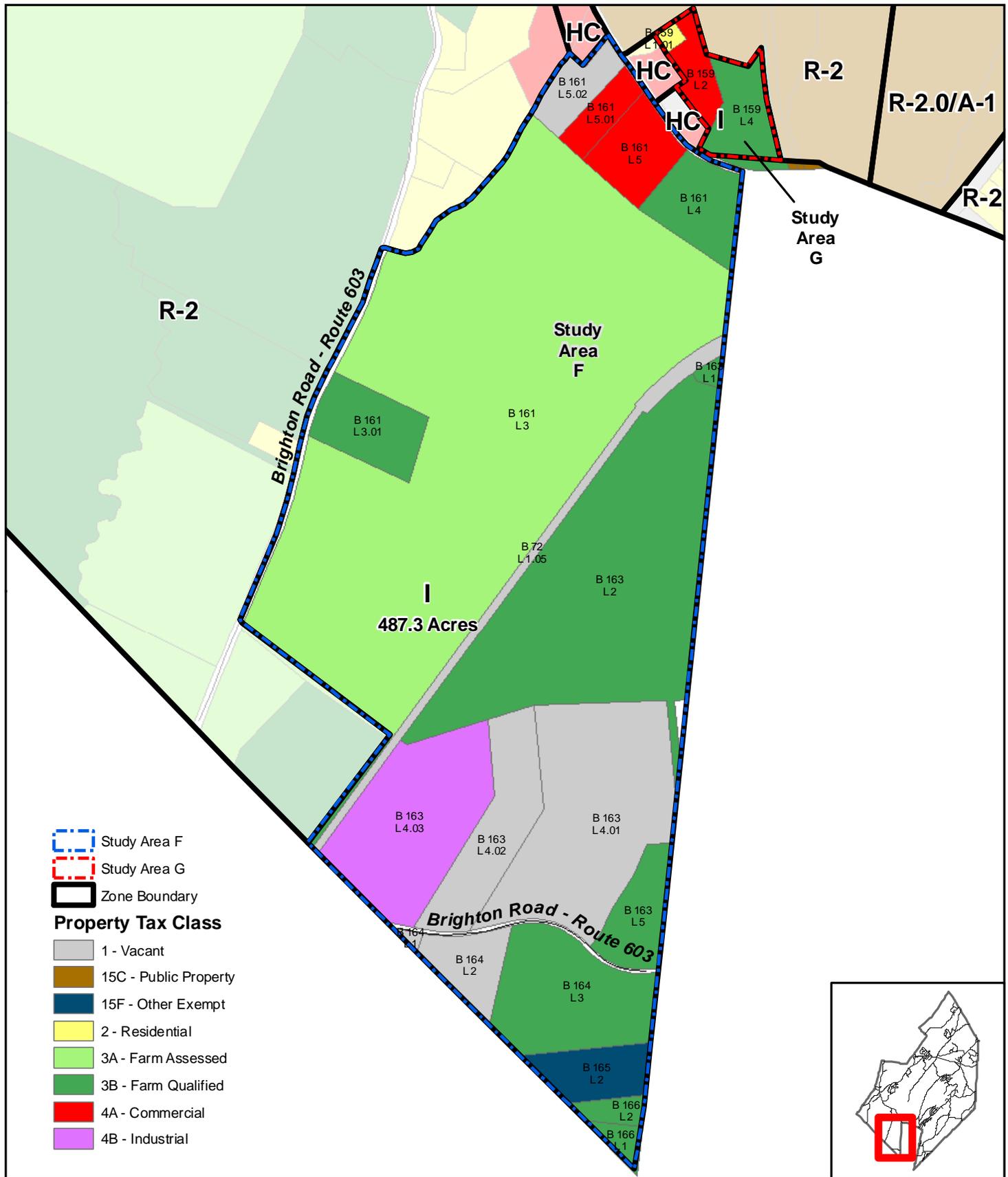
*Data Sources:
 Andover Township Engineer*



-  Study Area E
-  Zone Boundary
-  Parcel

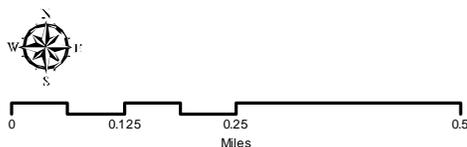
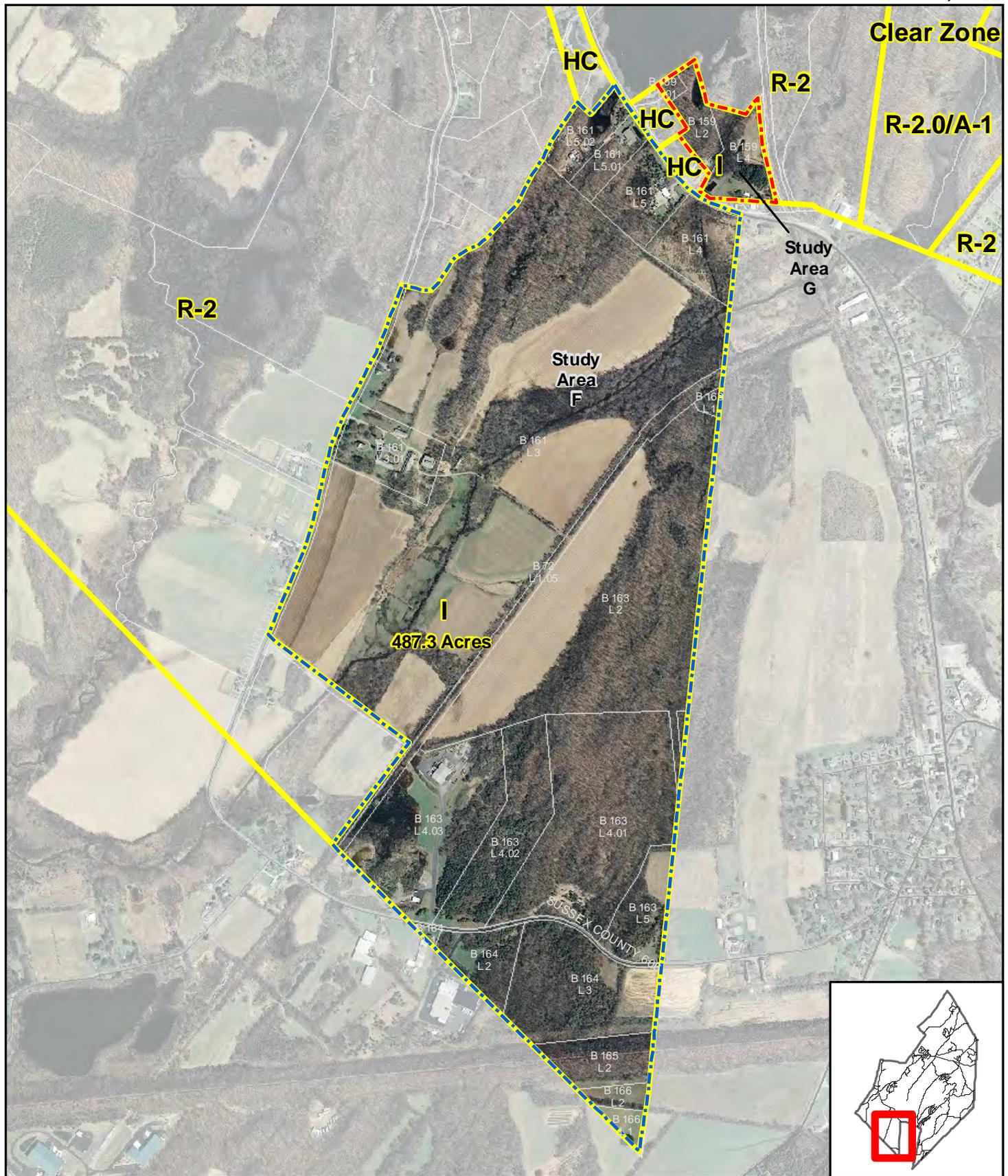
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- Study Area F
- Study Area G
- Zone Boundary
- Parcel

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