



# ANDOVER TOWNSHIP

SUSSEX COUNTY • NEW JERSEY

Land Use Board  
Municipal Building  
134 Newton Sparta Road  
AGENDA  
August 1, 2023  
7:30 p.m.

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**OPEN PUBLIC MEETINGS ACT NOTICE:**

This is an open public meeting of the Andover Township Land Use Board to be conducted in-person only at the Municipal Building, located at 134 Newton Sparta Rd., Andover, NJ 07860. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda. No new testimony will be taken after 10:30pm. Adequate notice of this meeting has been provided, with an electronic copy posted on the Andover Township website at [www.andovertwp.org](http://www.andovertwp.org).

**ROLL CALL:**

**ADMINISTRATIVE ITEMS:**

**Approval of Minutes:** July 18, 2023

**RESOLUTIONS:**

1.) Amendment to the Route 206 Redevelopment Plan

**COMPLETENESS REVIEWS:** None.

**HEARINGS:** (All submitted materials can be found under the Land Use section on the Township website [www.andovertwp.org](http://www.andovertwp.org).)

1.) Barone, Pat      B: 62    L: 4.04      Application # A23-3

*The applicant is seeking a variance to use an existing garage as agriculture labor housing.*

**ORDINANCES:**

**OLD BUSINESS:**

**NEW BUSINESS:**

1.) Appoint Planner for a Redevelopment Study of Block 103, Lots 2 & 3.02

**LIAISON REPORTS:**

*Township Committee* – Eric Karr

*Environmental Commission* –Eric Olsen

*Sustainable Andover* – Eric Olsen

*Economic Development Committee* – John Carafello

*Zoning Map/ Zone Changes Subcommittee* – Paul Messerschmidt

**VOUCHERS:**

<b>Company</b>	<b>Purpose</b>	<b>Amount</b>	<b>Paid By</b>
Harold Pellow Associates	National Land Developers	\$897.00	Applicant's Escrow
Harold Pellow Associates	Barone, Pat	\$414.00	Applicant's Escrow
Harold Pellow Associates	Engineering	\$586.50	Engineering Budget
Harold Pellow Associates	Master Plan	560.00	Master Plan Budget
Vogel, Chait, Collins Schneider	BHT Properties Group	\$40.00	Applicant's Escrow

**CORRESPONDENCE:**

1.) From: Patricia Bussow, CMC Andover Township

Re: Resolution 2023-106

**PUBLIC PORTION:**

If a member of the public has a question or comment, please raise your hand and wait to be recognized by the Chairperson to speak. Please come forward when recognized and state your name and address, unless you are a registered covered person under Daniel's Law by the Office of Information Privacy. Please refrain from asking questions or making comments about any pending application before the Board, as the applicant may not be present for cross-examination. The Chairperson has the right to limit the amount of time a person from the public has to ask questions and make comments so all members of the public may have a chance to speak.

**PENDING APPLICATIONS:**

Braen Supply – Deemed Incomplete 2.7.23 – No new information submitted.

Ringo Properties – Deemed Incomplete 10.4.22 – No new information submitted.

Feels of Green – Deemed Incomplete 6.13.23 – Requested information submitted.

Puff City – Deemed Incomplete 3.7.23 – No new information submitted.

**UPCOMING MEETINGS:** August 15, 2023, September 5, 2023

**ADJOURNMENT:**

**TOWNSHIP OF ANDOVER  
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**RESOLUTION #2023-106**

**A RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF ANDOVER LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES THE PROPERTIES SITUATED ON NEWTON SPARTA ROAD AND IDENTIFIED AS BLOCK 103, LOTS 2 & 3.02 ON THE TOWNSHIP TAX MAP, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, "[t]he resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condernation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condernation Redevelopment Area")"; and

**WHEREAS**, the Mayor and Township Committee find it to be in the best interest of the Township and its residents to authorize the Township's Land Use Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes a property situated on Newton Sparta Road, identified on the Andover Township Tax Map as Block 103, Lots 2 & 3.02 ("Study Area"); and

**WHEREAS**, the Mayor and Township Committee of the Township of Andover wish to direct the Land Use Board to undertake a preliminary investigation utilizing Jessica Caldwell, PP to prepare the preliminary investigation to prepare a report to determine whether the proposed study area qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Andover, County of Sussex and State of New Jersey, that the Land Use Board is hereby authorized to undertake a preliminary investigation of Block 103, Lots 2 & 3.02, utilizing Jessica Caldwell, PP to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Township Committee whether the area comprising the study area is an area in need of non-condemnation redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5 et el.

**BE IT FURTHER RESOLVED** that, pursuant to N.J.S.A. 40A:12A-1 et seq., the redevelopment area determination if approved shall authorize the Township to use all those powers provided by the Legislature for use in an area in need of redevelopment.

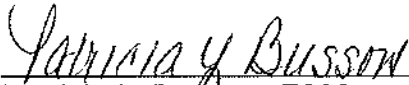
**BE IT FURTHER RESOLVED** that the Land Use Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Land Use Board of the Township of Andover.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

#### CERTIFICATION

I, Patricia L. Bussow, Municipal Clerk of the Township of Andover, in the County of Sussex in the State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Andover Township Committee at its meeting held on July 20, 2023.

  
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Patricia L. Bussow, RMC  
Administrator/Municipal Clerk

**RESOLUTION  
TOWNSHIP OF ANDOVER LAND USE BOARD  
CONSISTENCY DETERMINATION  
FOR ORDINANCE NO. 2023-11  
AN ORDINANCE OF THE TOWNSHIP OF ANDOVER,  
COUNTY OF SUSSEX, STATE OF NEW JERSEY TO AMEND  
THE ANDOVER TOWNSHIP ROUTE 206 REDEVELOPMENT PLAN  
TO INCLUDE AN ADDITIONAL PERMITTED USE ENTITLED  
“WHOLESALE ESTABLISHMENTS, WAREHOUSE AND  
STOREHOUSES EXCEPT THOSE SET FORTH IN 190-54  
WHICH ARE CONDITIONAL USES  
DECIDED ON JULY 18, 2023  
MEMORIALIZED ON AUGUST 15, 2023**

**WHEREAS**, under the Municipal Land Use Law, pursuant to N.J.S.A. 40:55D-26a, prior to the adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the Governing Body within 35 days after referral a report including identification of any provisions of the proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Township Committee adopted the Route 206 Redevelopment Plan via Ordinance 2022-13 on June 13, 2022; and

**WHEREAS**, the Township Committee on October 20, 2022 adopted Ordinance 2022-18 amending the Route 206 Redevelopment Plan to permit Class 5 Cannabis Retailer Licenses as a permitted use; and

**WHEREAS**, the Township Committee wishes to establish that the warehousing and storing of certain materials as set forth in Section 190-54 of the Township Municipal Code, is and always was intended to be designated by the Route 206 Redevelopment Plan as a conditional use within the Redevelopment Area; and

**WHEREAS**, the Township Committee of the Township of Andover referred this matter to the Andover Township Land Use Board under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a; and

**WHEREAS**, the Land Use Board has considered this matter at a public meeting conducted on July 18, 2023.

**NOW, THEREFORE**, the Township of Andover Land Use Board makes the following findings of fact and conclusions of law in regard to Ordinance No. 2023- 11 in connection therewith:

1. The Andover Township Land Use Board engaged a Planner, Jessica Caldwell, P.P., AICP of J. Caldwell and Associates, LLC to prepare the Route 206 Redevelopment Plan.
2. The Route 206 Redevelopment Plan was prepared in March 2022, amended November 2022 and recently amended June 2023. The Route 206 Redevelopment Plan as amended June 2023, on page 14 letter u. establishes Wholesale establishments, warehouses and storehouses as permitted uses in the Route 206 Redevelopment Zone with the exception of those set forth in Section 190-54 which are conditional uses.
3. The Board finds that this amendment to the Route 206 Redevelopment Plan enables the Route 206 Redevelopment Plan to be in conformance with Table 2, Uses Permitted in Non-Residential Zones, Township of Andover, Sussex County, New Jersey, Zoning 190 Attachment 3.
4. The Redevelopment Plan has also been amended on page 14 under the Section Conditional Uses to provide that wholesaling, warehousing and storing of certain materials set forth in Section 190-54 are conditional uses.
5. The Land Use Board further finds that the meeting was opened up to the members of

the public and there were no members of the public present who expressed an interest in this matter.

6. The Land Use Board further determines that the policy, goals and objectives contained in the Andover Township Master Plan adopted on December 7, 1992 with amendments adopted in October 2005, July 2007, December 2008 and July 2011 as well as the Master Plan Re-examination Report adopted by the Land Use Board in April 2023 have been satisfactorily addressed in Ordinance 2023-11.
7. The Land Use Board at its public meeting on July 18, 2023, determined that Ordinance 2023-11 which amends the 206 Redevelopment Plan prepared by Jessica Caldwell, P.P., A.I.C.P., of J. Caldwell and Associates, LLC dated March 2022 with amendment November 2022 and June 2023 is substantially consistent with the Land Use Plan Element of the Township's Master Plan or its designed to effectuate such plan elements as required under the MLUL pursuant to N.J.S.A. 40:55D-62.

**NOW, THEREFORE,** be it resolved by the Township of Andover Land Use Board that Ordinance 2023-11 titled "An Ordinance of the Township of Andover, County of Sussex, State of New Jersey to Amend the Andover Township Route 206 Redevelopment Plan to Include an Additional Permitted Use entitled Wholesale Establishments, Warehouses and Storehouses Except Those Set Forth In 190-54 Which Are Conditional Uses" has been determined by the Land Use Board to be either substantially consistent with the Andover Township Master Plan December 1992, with amendments adopted in October 2005, July 2007, December 2008 and July 2011, as well as the Master Plan Re-examination Report adopted in April 2023 or designed to effectuate such plan elements in accordance with the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-62.

The finding of Consistency Determination for Ordinance # 2023-11 with the Township Master Plan was approved by the Andover Township Land Use Board at a duly constituted public meeting held on July 18, 2023, by a vote of 8 to 0 in favor of approval.

**VOTE TO APPROVE CONSISTENCY DETERMINATION FOR  
ORDINANCE # 2023-11 WITH THE TOWNSHIP MASTER PLAN  
JULY 18, 2023**

Motion Introduced By:

Seconded By:

In Favor: Chairman Messerschmidt, Vice-Chair Howell, Board Members Ordile, Olsen, Skewes, Gilchrist, Carafello and Deegan

Opposed:

**MEMORIALIZATION OF RESOLUTION  
AUGUST 15, 2023**

Motion Introduced By:

Motion Seconded By:

In Favor

Opposed

Andover Township Land Use Board

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Stephanie Pizzulo, Board Secretary

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Paul Messerschmidt, Chairman



The undersigned secretary certifies that the within Resolution was adopted by the Land Use Board on July 18, 2023 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 15, 2023.

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Stephanie Pizzulo  
Board Secretary

2792376.1 AND-001 Andover Twp. Lub Resolution Consistency Determination For Ord. No. 2023-11 Amending Route 206 Redevelopment Plan 8.15.23

DRAFT