

# 2023

## MASTER PLAN REEXAMINATION REPORT



### TOWNSHIP OF ANDOVER SUSSEX COUNTY, NEW JERSEY

**PREPARED FOR:**

Township of Andover  
134 Newton Sparta Road  
Newton, NJ 07860

**PREPARED BY:**



Harold E. Pellow & Associates, Inc.  
Consulting Engineers, Planners & Land Surveyors  
17 Plains Road  
Augusta, New Jersey 07822-9704

**February 2023**

**This report has been signed and sealed in accordance with N.J.A.C. 13:41-1.3**

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**Matthew Morris, P.P., L.L.A.  
PP License No. 6118**

**Acknowledgements:**

**Township of Andover**  
**Land Use Board**

**Paul Messerschmidt, Chairman - Class IV Member**  
**Suzanne Howell, Vice Chairman - Class IV Member**  
**Eric Karr - Class I Member, Mayor's Designee**  
**John Carafello - Class III Member, Committee Member**  
**Eric Olsen – Class II, Environmental Commission Rep.**  
**Joseph Ordile – Class IV Member**  
**John O'Connell – Class IV Member**  
**Richard Skewes – Class IV Member**  
**Krista Gilchrist – Class IV Member**  
**Sean Degan – Alternate #1**

**Professional Staff**

**Richard Briigliodoro, Esq., Board Attorney**  
**Cory L. Stoner, P.E., P.P., C.M.E., Board Engineer**  
**Stephanie Pizzulo, Board Secretary**

## **Introduction**

The Master Plan Reexamination Report is the Planning Board's assessment of whether the master plan and land development regulations of the municipality are in need of being updated. New Jersey statute requires the municipal Planning Board to periodically examine issues within the municipality, affirm that the current master plan and development regulations are reflective of the goals of the municipality and recommend changes to be implemented.

The Municipal Land Use Law (MLUL) states the following relative to the periodic examination of a municipal Master Plan:

“The governing body shall, at least every 10 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 Office of Planning Advocacy and the County Planning Board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination.” (N.J.S.A. 40:55D-89)

The first complete Master Plan or Comprehensive Development Plan as it was then known appears to have been prepared in 1958 or 1959. Other comprehensive plans 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 list below:

1. Housing Element & Fair Share Plan, October 18, 2016
2. Periodic Reexamination Report of the Master Plan and Development Regulations, May 17, 2011.
3. Periodic Reexamination Report of the Master Plan and Development Regulations Amendment to the Master Plan Land Use Plan Element, March 15, 2011.
4. Amendment to the Master Plan Land Use Plan Element, March 22, 2010.
5. 2010 Periodic Reexamination Report of the Master Plan and Development Regulations, March 22, 2010.
6. Evaluation of Groundwater Resources of Andover Township, Sussex County, New Jersey: December 17, 2009.
7. Housing Element and Fair Share Plan, December 2008.
8. Amendment to the Andover Township 2007 Periodic Reexamination Report of the Master Plan and Development Regulations: May 12, 2008.
9. Periodic Reexamination Report of the Master Plan and Development Regulations: December 18, 2007.
10. Natural Resource Inventory: February 2007.
11. Build-Out and Capacity Analysis: May 1, 2007.
12. Master Plan Reexamination Report: October 15, 2005; Revised October 31, 2005.

13. Amendment to the Master Plan Residential Land Use Plan and Resource Conservation Element: October 15, 2005.
14. Housing Plan and Fair Share Plan: October 15, 2005.
15. Stormwater Management Plan: April 2005.
16. Andover Township State Plan Cross Acceptance Report: December 18, 2004.
17. Andover Township Sussex County Strategic Growth Report: December 18, 2004.
18. Master Plan Amendment: May 15, 2000.
19. 2000 Master Plan Reexamination Report: April 10, 2000.
20. Natural Resource Inventory 1999.
21. Amendment to Andover Township Master Plan: adopted March 16, 1998.
22. Wastewater Management Plan: Revised February 1997.
23. Housing Element / Fair Share Plan: adopted June 3, 1996.
24. Wastewater Management Plan: Revised December 1996.
25. Housing Element / Fair Share Plan: May 15, 1995.
26. Master Plan Reexamination Report: 1994.
27. Master Plan "From 1989 to 1992": December 7, 1992.
28. Route 206 Corridor [Study]: September 1991.
29. 1989 Master Plan: September 1989, adopted on August 21, 1991.
30. Master Plan Reexamination Report: adopted November 15, 1982.
31. Andover Township Recreation Master Plan: 1978.
32. Andover Township Master Plan: 1976.
33. A Comprehensive Development Plan (1958 estimated).

**Reexamination Criteria:** N.J.S.A. 40:55D-89 of the Municipal Land Use Law provides guidelines for the preparation of a Periodic Reexamination Report. These guidelines state that the following six criteria need to be addressed for a reexamination report to be considered complete:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. 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.
- D. The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and

Housing Law”, P.L.1992, c79(C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality.”

- F. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

A review of the above six criteria is included in the following portions of this report.

**Criteria A: Major Land Development Problems and Objectives that Existed in 2011 at the time of the adoption of the last reexamination report.**

In 2011, Andover Township was in need of changes to the industrial zone district to promote growth in certain areas of the Township. The Township also had a need to rezone the St. Paul’s Abbey property in the Township to promote the development of a prime historic property in the Township and to meet the Township’s affordable housing needs.

Despite the need, no major changes to the goals and objectives of the Township Master Plan were proposed, at that time. A review of the specific land development changes that were needed in 2011, i.e. Industrial Zone District, Mount Laurel Zone and Affordable Housing, along with the major goals and objectives of the Township master plan are reviewed in the following section.

**Industrial Zone District**

Two Master Plan Reexamination Reports were adopted in 2011 to recommend specific changes to land development regulations. The first report, entitled *Periodic Reexamination Report of the Master Plan and Development Regulations Amendment to the Master Plan Land Use Plan Element*, dated March 15, 2011, made recommendations to rezone a number of properties in the Industrial Zone District to the new Commercial/Industrial Zone District. Below is the list of properties that were recommended to be rezoned:

Block	Lot	Acreage	Address
126	5.02	3	64 Stickles Pond Road
	5.03	3.5	60 Stickles Pond Road
128	4.01	2.9	67 Stickles Pond Road
	4.02	5.3	93 Stickles Pond Road
	4.03	7.5	95 & 99 Stickles Pond Road
	4.04	2	69 Stickles Pond Road
134	17.15	30.5	565 Route 206
151	20	4.8	290 Stickles Pond Road

	21	97.8	248 Stickles Pond Road
	22*	10	Portion of Abbey Tree Farm
159	1.01	1.2	713 Route 206
	2	5.4	727 Route 206
	4	8.5	733 Route 206
161	4	5.1	Route 206 South of D&E
	5	9.4	726 Route 206
	5.01	4.4	720 Route 206
	5.02	5.5	714 Route 206

\* Portion of the lot was situated in the existing I/A2 zone district.

The new Commercial/Industrial Zone District permitted the following uses:

1. Administrative and corporate offices
2. Agriculture, farm and horticulture
3. Business services
4. Construction business office and construction equipment and material storage
5. Child-care centers
6. Greenhouses and nurseries
7. Health clubs
8. Flex space buildings
9. Light manufacturing, fabricating and assembly plants
10. Printing and publishing establishments
11. Sports facilities
12. Studios for the instruction of the arts, dancing, music, language or photography
13. Wholesale establishments, warehouses and storehouses

**Mount Laurel Zone**

The second Master Reexamination Report completed in 2011 was entitled, *Periodic Reexamination Report of the Master Plan and Development Regulations* and dated May 17, 2011. This reexamination recommended a number of modifications to the Mount Laurel Zone portion of the Township Code to adjust bulk requirements and simplify the construction of affordable housing by removing a number of limiting factors from the Code. The report also determined that Lot 35 in Block 153 (the former Abby property) meets the criteria as an “area in need of rehabilitation” which supported the modifications to the Mount Laurel Zone District.

**Affordable Housing**

At the time of said Master Plan Reexamination Reports, the Township was waiting on clear direction from the State as to how to comply with the Fair Housing Act.

The Township previously petitioned the Council on Affordable Housing (COAH) on December 29, 2008 for certification of its housing and fair share plan. The plan received Substantive Certification from COAH on October 29, 2009 regarding compliance with the municipality’s prior round and third round affordable housing obligation. On December 14, 2009 Andover adopted an ordinance to incorporate its affordable housing obligation into the Township code as Section 190-99. In February 2010, Governor Chris Christie sought to

dismantle COAH and the COAH Board stopped meeting thus, interrupting the process of Substantive Certification.

### **Master Plan Goals & Objectives**

The goals and objectives for Andover Township were outlined in the most recent comprehensive Master Plan document entitled “1989 Master Plan” and dated September 1989 and in the subsequent Master Plan amendments that were adopted in December 1992, May 2000, and October 2005, respectively. These goals and objectives were designed to be the guiding principles for the development of the Township and set forth the vision for the future. A review of the primary goals and objectives is as follows:

#### **1989 Master Plan with 1992 Amendments in Parentheses**

##### **A. Environmental Goals**

1. To Identify and protect environmentally sensitive areas within the Township. Environmentally sensitive or critical areas include moderate and steep slopes, wetlands, flood plains, waterbodies, aquifer recharge areas, and rare and endangered species habitat.
2. To require site specific delineation of all critical areas.
3. To require detailed delineations of wetlands and flood plains and require conservation easements to preclude future development of these areas.
4. To allow the intensity of use permitted on a tract to be directly related to its physical characteristics and carrying capacity. Residential densities and nonresidential floor area ratios should be related to site specific development constraints.
5. To require larger lot sizes on environmentally sensitive properties.
6. To discourage development on steep slopes (25 + percent) and to utilize appropriate environmental safeguards and practices when developing moderate slopes (between 15 and 24 percent).
7. To encourage the retention of natural runoff on site to the maximum extent practical.
8. To discourage unnecessary curbing and use natural swales to handle road runoff where possible. Curbing should only be utilized where necessary, for example, on sloping roads, (business developments and) multi-family development (and high density single family developments).
9. To minimize site disruption by establishing limits of clearing that are kept to an absolute minimum.

10. To encourage the preservation of existing vegetation by retaining groups of trees rather than Individual specimens (inclusive of drip lines).
11. To include water quality basins where stormwater will flow into wetland areas or water bodies. (Grit Chambers in catch basins should be encouraged to be used where practical).
12. To limit development on ridge lines, roof lines should be kept below the ridge line to preserve distant views.
13. To allow some flexibility from site plan standards to encourage environmental preservation.
14. To utilize the best available technology in the design and maintenance of onsite wastewater systems.
15. To protect lakes and ponds through careful stormwater and wastewater management practices.

B. Farmland Preservation

1. To recognize that agricultural uses are an important part of Andover Township's history and character, active farms should be preserved.
2. To encourage farm land preservation through the adoption of a right to farm ordinance which recognizes that agricultural uses often create nuisance factors which must be accepted if farming is to remain.
3. To include buffering requirements for residential developments which encroach upon existing farms.
4. Although nearly a third of the Township is in qualified farmland assessment, active agriculture represents only a small percentage of this total. "Reactivation" of Inactive farms should be encouraged. Clustering of residential development can yield open space which could be leased to active farmers in the vicinity.
5. Although agricultural uses should be encouraged, the advent of new agri-technology results in new agricultural businesses which are more akin to commercial and industrial uses than to traditional farming. A distinction should be made between a high-tech agri-business and traditional agriculture. This is necessary since agricultural uses are protected throughout the Township. Uses such as aquaculture, and other high-tech businesses are often incompatible with residential uses, and therefore should be reviewed as nonresidential site plans.
6. To encourage farmland preservation by actively pursuing funds for development rights acquisition, where possible.



C. Housing

1. To provide for a variety of housing opportunities in appropriate locations.
2. To create the realistic opportunity for the construction of Andover Township's Mt. Laurel obligation.
3. To limit non inclusionary multi-family development to areas where it presently exists (pursuant to the objectives of Mount Laurel II).
4. To relate density of housing development to environmental characteristics and roadway capacity.
5. To create a desirable environment through the adoption of “lookalike ordinances”. This is particularly true to smaller lot subdivisions (and multi-family developments).
6. To encourage cluster development on sites which are most appropriate for clustering. Clustering should be encouraged where environmental characteristics of property warrant the cluster option and where continuous open space can be achieved. (Such open space should include lands which do not exhibit constraints as identified in Section 6.1Ab1).
7. In cluster developments net lot sizes might be smaller than those under conventional zoning.

D. Nonresidential Development

1. To ensure that nonresidential development is compatible with and does not adversely impact residential development within the Township. Buffering between incompatible uses should be proportionate to the differences in their intensities. For example, the extent and quality of a buffer between industrial uses and residential uses should be greater than buffers required between single-family and multi-family development.
2. In recognition of the fact that centralized infrastructure is not available to most of the nonresidential zone districts, the development of small scale industrial and commercial developments should be encouraged. This development could take the form of small planned Industrial parks and small neighborhood commercial centers
3. To discourage strip development through more stringent site planning standards. These include the use of common driveways where feasible, creation of screened parking areas, unified site design, permitting flexible setbacks, and unified sign plans for development.
4. To recognize the long term possibilities of the nonresidential development of Aeroflex Airport and the land adjacent to it.

E. Community Facilities/Infrastructure

1. To encourage the efficient use of the Township's infrastructure and road network, it should be recognized that funds for infrastructure improvements are scarce resources. Therefore, the land use pattern within the Township should be related to the ability of the existing infrastructure to absorb its impact.
2. The Township should adopt a capital improvements program to prioritize its goals relating to real property acquisition and costly capital items such as roadway and drainage improvements.
3. To ensure that to the maximum extent legally practical, all future development within the Township will pay its proportionate share of any required improvements in community facilities and infrastructure.
4. To ensure that maintenance of onsite infrastructure is provided.
5. To provide recreation facilities for the full spectrum of Township residents. This includes community facilities for both active and passive recreation.
6. Specific recreation facility needs should be determined with input from the recreation commission.
7. Recreation and community facilities needs for the long-term growth of the Township should be assessed and appropriate acquisition should be made as early as possible. The actual construction of any required improvements could be delayed until they become necessary. In the interim these sites can function as passive recreation areas.
8. To provide for appropriate solid waste management, a municipal trash collection and recycling program should be established.
9. The land use pattern established by the Zoning Ordinance should be adhered to in order to properly implement all required community facilities and infrastructure.

F. Circulation

1. To provide an adequate circulation system within the Township for both vehicular and pedestrian traffic, both within developments and in municipal rights-of-way.
2. To establish priorities for the scope and sequencing of roadway improvements in order to insure a coordinated and efficient use of municipal funds.
3. To remedy unsafe conditions identified within the existing roadway network.

4. To assure that all developments pay its proportionate share of off tract roadway improvements, a detailed roadway improvement plan should be prepared so that potential developers are aware of the Township's improvement priorities.
5. To vacate paper streets where development plans have been abandoned and where such paper streets serve no valid purpose. For example, rights of way which are not technically viable because of wetlands or slopes constraints should be vacated if extension is not feasible.
6. To encourage a hierarchy of streets within the roadway network, and create separation of streets according to their function ranging from major arterials through local land service roadways.
7. To encourage the construction of pedestrian circulation facilities where they are most likely to be used. Connections should be made between residential developments and commercial areas as well as between residences and schools and parks. Sidewalks paralleling streets are frequently not the only method of providing pedestrian circulation.
8. To encourage the separation of pedestrian and vehicular circulation not only within the public roadway network but also within private development roads and in nonresidential site plans.
9. To develop and encourage alternative means of transportation including bus routes and park-and-ride facilities. Andover Township is essentially a "bedroom community" with commuters traveling to employment centers to the south and east. Future development within the Township and in the Sussex County region will overburden the existing arterial network if alternative transportation methods are not implemented.
10. (To encourage land uses which are compatible with the purpose and function of the roadway classification and circulation characteristics of the roadway within the Township.)

G. Compatibility with other Planning Efforts

1. To ensure that the zoning of Andover Township does not conflict with that of adjoining municipalities. High intensity uses should not be placed adjacent to low intensity uses in adjoining municipalities without appropriate buffering.
2. To ensure consistency with Sussex County's planning efforts. County policies regarding the county road network and the 208 Wastewater Planning objectives should be considered in local land use decision making.
3. To participate in the state planning process through active negotiation in the "cross acceptance" process.

**H. General Goals (Taken from Municipal Land Use Law)**

1. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
2. To secure safety from fire, flood, panic and other natural and manmade disasters;
3. To provide adequate light, air and open space;
4. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
5. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
6. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
7. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
8. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
9. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
10. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
11. To encourage planned developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
12. To encourage senior citizen community housing construction;
13. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

14. To promote utilization of renewable energy sources and natural resources; and
15. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.

### **2000 Master Plan Amendment**

The following goals and objectives were added in 2000 to the Goals and Objectives section of the Master Plan:

1. Promote new businesses and industries in appropriate areas of the Township.
2. Direct traffic circulation to the main arterials including Newton-Sparta Road, Route 206, Limecrest Road and Warbasse Junction Road.
3. Establish standards to provide architectural guidelines for new development.
4. Establish regulations to control noise and odors from businesses.
5. Encourage development that is sustainable and does not exceed the Township's present carrying capacity.
6. Encourage a dialogue with adjacent municipalities regarding zoning and development issues.

### **2005 Master Plan Amendment**

The 2005 master plan amendment sought to create a Residential Land Use Element and Resource Conservation Element. These elements were created to guide the future residential development and redevelopment densities in Andover Township. The plan was created by combining the existing land use information, goals and objectives and other master plan elements. A review of the major goals and objectives included in this amendment are as follows:

#### **A. Objectives for Residential Development:**

1. Encourage land use planning techniques for residential development to minimize environmental impacts, preserve farmland, secure or control land as open space and minimize future infrastructure maintenance.
2. Provide a variety of housing opportunities for all income levels consistent with the Housing Element.
3. Establish housing densities that relate to the carrying capacity of the land, ambient air standards, water quality and quantity standards, infrastructure,

roads, and utilities by promoting resource protection, housing alternatives and interconnected greenways.

4. Preserve the natural features of the Township including the rolling, wooded hill-sides, rock outcroppings, ridge-lines, wetlands, and forested areas.
5. Discourage development along ridgelines and steeply sloped areas to preserve the visual rural environment.

**B. Objectives for Resource Conservation Element:**

1. Identify environmentally sensitive areas such as wetlands, stream corridors, steep slopes, flood plains, poor soils, endangered species habitat etc.
2. Encourage development that preserves the natural landscape and features, and protects against potential drainage problems.
3. Encourage proper soil erosion and sediment control practices to protect water quality.
4. Develop standards to promote residential development in the appropriate areas on the least restricted lands to preserve open space and to protect the environment.
5. Preserve contiguous forested lands to maintain the rural character and wildlife habitat through greenway planning.
6. Examine residential densities and provide adjustments to avoid environmental degradation and to protect the rural character.
7. Landscaping in a disturbed area adjacent to environmentally sensitive areas should be replanted with indigenous plant material.

**Criteria B: Review of major problems and objectives that existed in 2011 and the extent to which such problems and objectives have been reduced or increased since that date.**

### **Industrial Zone District**

Both of the 2011 Master Plan Reexamination Reports made specific recommendations for changes to be made to land development regulations of the municipality. All of the recommendation listed in the March 15, 2011 Master Plan Reexamination Report concerning the creation of the Commercial/Industrial Zone District were completed on April 25, 2011 through Ordinance No. 2011-01.

Since the creation of the Commercial/Industrial Zone District there has not been any significant development in this new zone and the objectives for the change have yet to be fully realized.

### **Mount Laurel Zone**

The May 2011 Reexamination Report recommended a number of modifications to the Mount Laurel Zone portion of the Township in an effort to promote the construction of affordable housing by reducing setbacks, removing the cap of 62 affordable units, eliminating the required ratio of affordable housing to commercial square footage and removal of restrictions on multifamily, townhouse and apartment units. The recommendations of this report to amend the Mount Laurel Zone section of the Township Code was completed on June 13, 2011 through the adoption of Ordinance No. 2011-06.

The May 2011 Reexamination Report also recommended that the St. Paul's Abbey property be evaluated to determine if it was eligible to become an "area in need of rehabilitation". Since there has been no significant change to the St. Paul's Abbey property, the evaluation recommended in the May 2011 Reexamination Report to deem the property an "area in need of rehabilitation" was not completed.

However, in 2019 The Township of Andover authorized its Land Use Board via Resolution 19-144 to conduct an area in need of redevelopment study for lots located along US Route 206 and Stickles Pond Road which included the St. Paul's Abbey property, hereinafter referred to as the Study Area. The purpose of the study was to determine if all or a portion of the Study Area should be designated as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A 40A:12-1, et seq. (Redevelopment Law).

J. Caldwell and Associates subsequently prepared a document entitled, *Area in Need of Redevelopment Study*, dated April 2021, which investigated the Study Area to determine if any of these areas could be given a redevelopment designation. Based on the Study, the St. Paul's Abbey property met six of the seven redevelopment criteria including deterioration, abandonment, obsolete layout and design, underutilized and consistency with smart growth planning principals.

Further, the Study found that all 43 parcels examined met the statutory criteria to qualify as an Area in Need of Redevelopment.

In 2022 a redevelopment plan was developed to execute the redevelopment of the 43 parcels outlined in the Area in Need of Redevelopment Plan. The document prepared by J. Caldwell & Associates was entitled *Route 206 Redevelopment Plan*, dated March 2022 and amended November 2022. This document changed the existing zoning of these parcels to permit a number of new uses with specific design standards. The primary goal of the Redevelopment Plan was to promote economic development along the Route 206 Corridor.

Mixed-uses, multiple principal uses and multiple principal structures are permitted in the Redevelopment Zone. The following uses along with customary and incidental accessory uses are permitted in the Zone:

1. Banks and fiduciary institutions
2. Cannabis Marketplace Class 5 Retailer (Exclusively permitted on Area 1 Properties south of Fredon Springdale Road/County Route 618 and all Area 2 Properties)
3. Commercial recreation
4. Fast-food establishments
5. Flex-space buildings
6. Greenhouses and nurseries
7. Health clubs and spas
8. Hotels and motels
9. Licensed child-care centers
10. Medical offices
11. Professional, business and administrative offices
12. Public parks, playgrounds, conservation areas and municipal/public facilities
13. Research laboratories
14. Restaurants and banquet facilities
15. Retail sales and services
16. Sports facilities
17. Farm stands
18. Single-family detached dwellings in existence on September 2, 2021 in accordance with the R-1 requirements
19. Shopping centers
20. Studios for the instruction of the arts, dancing, music language or photography

The Redevelopment Plan also, created the Andover Hamlet Center Overlay (AHCO) Zone inclusive of the St. Paul's Abbey parcel, as well as 22 other parcels which includes a mandatory 15-20% set-aside for affordable housing subject to access to a centralized wastewater treatment and disposal facility being provided. Any housing proposed within the AHCO that results in a density of more than six units per acre and of total of six units or more shall provide a 15 percent set-aside for affordable rental housing and a 20 percent set-aside for affordable for-sale housing.

Mixed-uses, multiple principal uses and multiple principal structures are permitted in the AHCO Zone. The following uses along with customary and incidental accessory uses are permitted in the Zone:



1. Banks and fiduciary institutions
2. Duplexes
3. Health clubs and spas
4. Hotels/motels
5. Live/work
6. Medical offices
7. Mixed-use buildings with multifamily residential located above the first floor permitted non-residential uses
8. Multifamily residential
9. Preschools and childcare facilities
10. Professional, business and administrative offices
11. Restaurants and banquet facilities
12. Retail sales and services
13. Sewer and water utilities
14. Single-family residential (min. 5,000 square foot lot size)
15. Studio for the instruction of the arts, dancing, music, language or photography
16. Townhouses

**Master Plan Goals & Objectives**

The goals and objectives for Andover Township listed in the 1989 Master Plan, 1992 Master Plan Amendment, 2000 Master Plan Amendment and 2005 Master Plan Amendment are still relevant today and can continue as guiding principles for the development of Andover Township.

**Criteria C: Significant changes in assumptions, policies and objectives that form the basis for the Master Plan or development regulations.**

The Reexamination process gives the Planning Board the opportunity to evaluate any significant changes in the assumptions, policies and objectives which formed the basis for the Master Plan or development regulations as last revised. These recommendations can include, but are not limited to, 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.

Since the Township adopted the 2011 Master Plan Reexamination Report, there have been a number of changes at the State, County and local levels affecting the objectives, assumptions, and policies that form the basis of the Master Plan. A review of some of the major changes that have occurred are included in the following section.

**2016 Affordable Housing and Fair Share Plan**

Since the 2011 Master Plan Reexamination Reports, the New Jersey Supreme Court invalidated COAH's Third Round Rules and ordered municipalities to file declaratory judgment with the Court by July 8, 2015 so that the Court could complete the review of their affordable housing compliance initiatives and make a determination of constitutional compliance with their affordable housing obligation.

The latest Housing Element and Fair Share Plan for the Township was finalized on March 15, 2016. In a declaratory judgment, dated October 18, 2016, Andover Township and the Fair Share Housing Center reached an agreement which recognized that the municipality was in compliance with its constitutional obligation to provide its regional fair share of the present and prospective need for affordable housing, recognized that the Township's Housing Element and Fair Share Plan presented a realistic opportunity for low- and moderate-income housing; and requested immunity from builder's remedy litigation and exclusionary zoning challenges for a period of ten (10) years.

As the end of the ten year period draws near, new estimates for affordable housing obligations from each municipality may be required by the judiciary or State.

**2020 Stormwater Regulations**

The New Jersey Department of Environmental Protection proposed amendments to the Stormwater Management Rules at N.J.A.C. 7:8. which were adopted on October 25, 2019 with an effective date of March 2, 2020. The proposed amended Stormwater Management Rules require all New Jersey municipalities to revise their Stormwater Control Ordinance to include the amendments by March 2, 2021. These new rules require the use of green infrastructure and non-structural stormwater management strategies as well as other minor amendments. To comply with these new regulations, the Township adopted Ordinance 2021-

02 to amend Chapter 150 Stormwater management of the township code to address the new regulations.

### **State Requirement for EV Charging Stations**

A model statewide Municipal Electric Vehicle Ordinance was published by the NJ DCA in 2021 that requires the electric vehicle supply/service equipment and make-ready parking spaces be designated as a permitted accessory use in all zoning districts and establishes associated installation requirements. The model statewide ordinance is mandatory and became effective in all municipalities upon DCA publication. The standard ordinance is effective in all municipalities without municipal action and the municipality has a choice to codify it into their code. The Land Use Board must enforce this requirement on all applicable applications.

### **State Cannabis Regulations**

In November of 2020 the New Jersey voters approved an amendment to the State constitution to legalize recreational use of cannabis by people above the age of 21. The statewide vote was followed by legislation to create the NJ Cannabis Regulatory Commission which establishes and enforces the rules and regulations governing the licensing, cultivation, testing, selling and purchasing of cannabis in the state. When the Commission released the rules of cannabis businesses municipalities had 180 days to take action to either 1) prohibit or limit the number of cannabis establishments, distributors, or delivery services; 2) prohibit the location, manner, and times of operation, and/or 3) establishing civil penalties for violation of ordinances. In April of 2021, Andover passed Ordinance No. 2021-03 to permit cannabis cultivation, manufacture, wholesale and distribution in all commercial and industrial zones while prohibiting cannabis retailers and delivery services. Ordinance 2022-18 was later passed to permit class 5 cannabis retail as a permitted use in two areas of the redevelopment zone. Ordinance 2022-19 established local annual cannabis licenses for class 5 cannabis retailers. Followed by Ordinance 2022-20 rescinding the prohibition on class 5 cannabis retailers and establishing a prohibition on class 6 cannabis delivery services and “cannabis consumption areas”.

### **State Climate Change Regulation**

In recognition of the critical need for climate science to inform land use planning, Governor Murphy signed into law P.L. 2021, c6, amending the MLUL on February 4, 2021. Effective immediately, municipalities are required to incorporate a climate change-related hazard vulnerability assessment into any Master Plan Land Use Element adopted after the signing. According to the law, the vulnerability assessments must rely on the most recent natural hazard projections and best available science provided by the NJ Department of Environmental Protection (DEP).

Municipalities must also consider environmental effects associated with climate change, including, but not limited to, extreme weather, temperature, drought, fire and flooding; and establish measures to mitigate reasonably anticipated natural hazards, such as coastal storms, shoreline erosion, flooding, storm surge, and wind.

### **Open Space & Recreation Plan**

Andover Township has updated its Open Space & Recreation Plan to build on the previous plan prepared in 2008. The new Plan was prepared utilizing updated datasets from County, State and Federal resources; reviewing Township and County planning documents; and gathering public opinion of Township residents through an online survey and an in-person community workshop. These methods helped to identify the trends and changes that have occurred in the Township to ensure that the updated version of the Plan can meet the current and future needs of residents.

An analysis of the trends and public opinion formed the basis of the recommendations made in the Open Space & Recreation Plan. The recommendations focus on three major areas in order to meet the Township's Open Space goals and objectives: 1) Open Space Preservation, 2) Farmland Preservation, and 3) Trail Expansion. In addition to these strategies, the Plan also makes recommendations for improving the facilities and recreational opportunities provided at the existing parks and open spaces within the Township.

**Criteria D: Recommended Changes for the Township's Master Plan and  
Land Development Regulations.**

The reexamination process gives the Planning Board the opportunity to also make recommendations for changes in the Master Plan or development regulations based on the changes in the underlying objectives, policies and standards or to decide whether a new plan or regulations should be prepared. A review of recommendations is provided in the following section.

### **Master Plan Documents**

Since the last comprehensive Master Plan (1989) numerous changes have occurred which significantly affect many of the goals and objectives of the Master Plan. Many of these changes have been included in the subsequent Master Plan Amendments and Master Plan Reexamination reports. A new comprehensive Master Plan document is recommended to create an up-to-date, cohesive document. The new Master Plan document will use a majority of the existing master plan elements with the Land Use Element receiving an update to address current demographic and land use information as well as a review of all master plan goals and objective. The Goals and Objectives established in the previous Master Plans should be reviewed and updated as part of this process.

### **Land Development**

In order to address recent issues that have developed regarding land use impacting the Township as mentioned in Section 40:55D-89c above, new regulations should be considered to better facilitate proper development within the Township. The recommended regulations and/or ordinance changes include:

1. Revise various areas of the zoning ordinance where variance relief has been pursued repeatedly, where zoning permits have been often requested or amend a portion of the ordinance that is not clearly defined as intended including, but limited to:
  - a. Making generators, propane tanks and HVAC units “accessories to principal structures” with their own unique setbacks from standards accessory structures.
  - b. The permitted use of outdoor wood boilers in the R-2, R-2.5 and R-3 zones should be located in an area of the code other than prohibited uses such as in the zoning table.
2. Revise the uses permitted tables, zoning map and Township Code to provide clarity including, but limited to:
  - a. Remove the Industrial/Airport-1 (I/A-1), Industrial/Airport-2 (I/A-2), Community Recreational/Airport-2 (CR/A-2) and Business Professional

- Office/Airport (BPO/A) uses from the zoning table, zoning map and Section 190-33 of the Township Code since they do not exist anymore.
- b. Remove the Airport designation from the Single Family Residential 0.5/Airport (R-0.5/A), Business/Airport (B/A) and Business Professional Office/Residential/Office/Airport (BPO/R/A) zones since the Newton Airport is no longer in use to the extent possible according to FAA and/or State rules.
  - c. The Professional Office/Residential (PO/R) Zone use is only listed in section 190-45.1 of the Township Code and should be added to Table 2, “Uses in Nonresidential Zones” because the permitted uses more closely following general commercial uses rather than residential uses.
3. Amend the zoning ordinance to limit the size of Wholesale establishments, warehouses and store houses in all zones to permit warehouses which size conforms more clearly to the goals and objective of the master plan.
  4. Explore changes to word definitions to expand, clarify and add to definitions that may be unclear.
  5. Add a climate change related hazard vulnerability assessment to the Master Plan Land Use Element using the criteria required by the State.
  6. Codify the State’s model ordinance into the Township Code pursuant to the law requiring Electrical Vehicle Supply/Service Equipment and make ready parking spaces

### **Zoning Definitions**

As development patterns change within the Township along with new uses that may not have been previously contemplated, there arises the need to address such changes in the Township Code. The Land Use Board has previously stated that Section 190-3 Definitions of the Township Code should be updated to explore possible changes to word definitions to expand, clarify and add to definitions that may be unclear or missing. Definitions that are unclear can negatively affect development within the Township and leave the Zoning Officer, Land Use Board or other Township official with an unclear interpretation of a definition which would hinder the intent of the Master Plan.

### **Zoning Map**

In addition to changes in development patterns and practices over time requiring a reassessment of Township regulations and ordinances, clarity of the existing code is important for the public and the governing body for proper interpretation of the permitted uses and bulk requirements previously established in the Township. A review of various documents shows a total of 23 zoning districts within the Township. Having this many zones can be confusing on their own, but there are also discrepancies between the zoning map, zoning table and *Route 206 Redevelopment Plan* that adds to the confusion. In addition, the Newton (a.k.a. Jump) Airport has been defunct for some time now with no intention of being

reinstated. The applicability of the airport zone in the vicinity of this former airport site should be reviewed.

### **Warehousing**

Over the years there has been a noticeable shift in the way that consumers buy products. Shopping malls have given way to online shopping and with that, the need for warehouses where products can be distributed quickly to consumers. There has been a noticeable increase in the need for large warehouses in close proximity to large metropolitan areas. Sussex County, being less than fifty miles from New York City and strategically located between Pennsylvania and New York, is a desirable location for a large warehouse distribution center. As evidenced by proposed developments in other local municipalities, these warehouses can be extremely large encompassing an area up to one-million square feet. Prior to this move to mainly online retailing warehousing was considered a desirable use in a majority of commercial districts but now with the development of “mega warehouses” this use may not be desirable in all commercial areas or at an unlimited size. Per the existing Code, warehouses are permitted in the Highway Commercial, Industrial, General Industrial, Commercial Industrial, Industrial/Airport-1, Industrial/Airport-2 Zones and the Route 206 Redevelopment Zone.

### **Open Space & Recreation Plan**

The implementation of the Open Space & Recreation Plan recommendations over the short-, medium-, and long-term will result in multiple greenways throughout the Township that will preserve large, continuous tracts of land that can ensure the protection and integrity of natural habitats for current residents and future generations. The Township should pursue these recommendations to preserve the value provided by these natural resources and to enhance the Township’s environment for the future.

**Criteria E: Recommendations Concerning the Incorporation of  
Redevelopment Plans**

The Planning Board has the opportunity to recommend the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law”, P.L.1992, c79(C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommend changes, if any, in the local development regulations necessary to effectuate the redevelopment plan of the municipality.

As previously stated, the Township performed an “Area in Need of Redevelopment Study” in 2021 to investigate a number of properties along the Route 206 corridor to determine if any of these areas could be given a redevelopment designation. The Study found that all 43 parcels studied met the statutory criteria to qualify as an Area in Need of Redevelopment. A redevelopment plan entitled the “*Route 206 Redevelopment Plan*” was adopted in 2022 to change existing zoning of properties along Route 206 and Stickles Pond Road within sections of the Township in an effort to make development of these underused parcels easier for potential developers.

Redevelopment is currently being investigated for other areas of the Township in order to continue the effort to develop underused properties. It is recommended that additional properties within the Township be considered for redevelopment if they meet the statutory requirements to be deemed an “area in need of redevelopment”.



**Criteria F: The Recommendations of the Planning Board Concerning Locations Appropriate for the Development of Public Electric Vehicle Infrastructure and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.**

In an effort to reduce energy consumption and greenhouse gas emissions from the transportation sector, New Jersey is implementing a number of strategies in an effort to increase the number of electric vehicles (EV) on the road and to ensure sufficient public electric vehicle charging infrastructure.

Municipalities have been entrusted with meeting New Jersey's goals to install EV charging stations throughout the State. Accordingly, and as required by the M.L.U.L. for reexamination reports, this master plan reexamination report identifies the following zone districts/areas as appropriate locations for electric vehicle charging infrastructure:

1. Route 206 Redevelopment (REDEV) Zone
2. Business/Airport (B/A) Zone
3. Business Professional Office/Residential/Airport (BPO/R/A) Zone
4. Community Business (CB) Zone
5. Commercial/Industrial (C/I) Zone
6. Highway Commercial (HC) Zone
7. Mount Laurel (ML) Zone
8. Multi-Family Residential (MFR) Zone
9. Planned Commercial Development (PCD) Zone
10. Professional Office/Residential (PO/R) Zone
11. At the proposed Andover Train Station

In addition to the above, it is recommended that requirements for public electric vehicle charging infrastructure be included in all future redevelopment plans that may be adopted, as well as in any existing redevelopment plans that may be amended.