

**TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY
ORDINANCE NO. 2012-10**

**ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE TOWNSHIP
OF ANDOVER, CHAPTER 74, LAND USE PROCEDURES, ARTICLE V,
GENERAL PROVISIONS, BY AMENDING SECTION 74-50, "LOT LINE
ADJUSTMENT APPROVAL" AND CHAPTER 131, SITE PLAN REVIEW,
ARTICLE III, APPLICABILITY OF SITE PLAN REQUIREMENTS BY AMENDING
SECTION 131-5, "EXCEPTIONS"**

WHEREAS, the Andover Township Land Use Board has been discussing potential changes to Sections 74-50 and 131-5 of the Land Use Code with these changes memorialized with the decision to forward to the governing body for consideration; and,

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 74, Land Use Procedures, Article V, General Provisions, "Lot Line Adjustment" be amended to read as follows:

§74-50 Lot Line Adjustment Approvals.

A. Application.

An application for approval of a lot line adjustment shall be submitted to the Land Use Board. The applicant shall submit five (5) copies of the application and a survey prepared by a licensed land surveyor indicating the existing and proposed lot lines and all existing structures and buildings, as well as such other information as the Land Use Board Engineer may require. The applicant shall also submit an application fee of two-hundred and fifty (\$250.00) dollars and an initial escrow fee of one-thousand, five hundred (\$1,500.00) dollars. Upon approval of the lot line adjustment, the applicant shall also submit to the secretary an administrative fee in the amount of one hundred (\$100.00) dollars to cover the cost of revisions to the municipal tax maps.

B. Findings.

The Land Use Board has the jurisdiction to grant lot line adjustment approval. The Land Use Board Engineer may recommend a lot line adjustment subject to the following criteria:

1. The adjustment involves one lot line between two adjoining lots;
2. Owner(s) of both lots consent(s) in writing to the adjustment;
3. No new lots are created;
4. Both lots are conforming after the adjustment, or any pre-existing nonconformities are not increased; and
5. If approved, the applicant must perfect the subdivision by deed recorded in the Sussex County Clerk's Office.

C. Subsequent Subdivision. (No change.)

Subsequent subdivision of either of the adjusted lots within two years of the filing of the adjusted lot deeds in the County Clerk's office shall be accepted only as a major subdivision.

D. Report by the Land Use Board Engineer. (New section to be added)

Upon review of an application for lot line adjustment approval, the Land Use Board Engineer shall submit a report to the Land Use Board in regard to the merits of the applications. The Land Use Board may approve the lot line adjustment based solely on the recommendation of the Land Use Board Engineer as long as the conditions outlined in Section B are satisfactorily addressed.

SECTION 2. Chapter 131, Site Plan Review, Article III, Applicability of Site Plan Requirements, "Exceptions" be amended to read as follows:

A. Site Plan approval shall not be required for any detached one- or two-dwelling unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses; but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances. (No. change.)

B. The Land Use Board has the jurisdiction to waive site plan approval under certain circumstances. The Land Use Board Engineer shall issue a report making a recommendation in regard to an application for site plan waiver. The Land Use Board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

C. An application for approval of site plan waiver shall be submitted to the Land Use Board. The applicant shall submit five (5) copies of the application along with a survey prepared by a licensed land surveyor indicating the existing lot lines and all existing structures and buildings as well as such other information as the Land Use Board Engineer may require. The applicant shall also submit an application fee of two-hundred and fifty (\$250.00) dollars and an initial escrow fee of seven-hundred and fifty (\$750.00) dollars. (New section.)

SECTION 3. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55-D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 4. This Ordinance may be renumbered for codification purposes.

SECTION 5. All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey, held on the 10th day of September, 2012, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 22nd day of October, 2012, at 7:30 p.m., prevailing time, at the Municipal Building in said Township, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

Vita Thompson, R.M.C.
Municipal Clerk/Administrator