

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF MARCH 28, 2018**

The Zoning Board of Adjustment Meeting of the Township of Sparta was held in the Sparta Township Municipal Building and was called to order by Chairman Wilbur Goldschmidt at 7:30 PM, with announcement that adequate notice of this meeting had been given to the public and the press under provision of the “Open Public Meetings Act”.

Members Present: William Makowitz, Thomas Molski, Tim Parker, Ellen Maloney, Michael Jozefczyk, Kenneth Laury and Wilbur Goldschmidt

Members Absent: Richard LaRuffa and Randy Burke

Others Present: Angela Paternastro-Pfister, Esq.
Maureen R. Donnelly, Zoning Officer

**SCHEDULED APPLICATIONS:
ANDRZEJ TOMASZEWSKI # 4-18**

MINUTES APPROVED:

Dr. Parker made a motion to approve the minutes of March 14, 2018. Mr. Makowitz seconded the motion and under discussion, Dr. Parker made a correction to Paragraph five on page 1 to state that all the Board members received the same information for the application. This was accepted and Ch. Goldschmidt made a correction to page 1 adding that he had announced the Board’s procedure to adjourn at 10:30 and not start any new applications after 10:00. He also made a correction to Paragraph # 10 on Page 3 adding “a site plan request if the use is approved” to the first sentence. These revisions were accepted and seconded and the roll was as follows:

Mr. Makowitz	Yes	Dr. Parker	Yes
Mr. Jozefczyk	Yes	Mrs. Maloney	Yes
Ch. Goldschmidt	Yes		

RESOLUTION MEMORIALIZED:

Dr. Parker made a motion to memorialize the resolution granting Bulk C variances to Brett & Amanda Newman # 19-17 to construct a sunroom and deck in reference to Block 5043 Lot 15 decided on January 10, 2018. Mr. Laury seconded the motion and the roll was as follows:

Mr. Makowitz	Yes	Mr. Jozefczyk	Yes
Mr. Moski	Yes	Dr. Parker	Yes
Mr. Laury	Yes	Ch. Goldschmidt	Yes

Chairmen Goldschmidt announced a recess of 15 minutes.
The Board reconvened at 8:00 PM.

PUBLIC HEARING:

ANDRZEJ TOMASZEWSKI # 4-18
292 MAIN STREET

Ch. Goldschmidt asked the Applicant if they would start the application over since several Board members were not at the prior hearing on February 28, 2018.

William Askin of the firm Askin & Hooker represented the Applicant and agreed to start the application over. He explained the variance request to replace an old shed with a new garage that will require variances for an accessory structure in the front yard and for front yard setback. He described the 1.604 acre property located in the RC-1 Zone as a non-conforming lot with an existing shed in the front yard. The proposed front yard setback will be 27 feet where 150 feet is required and the existing shed is setback at 35 feet. He reviewed the C-1 hardship criteria due to the shallow lot with steep slopes and topography that limits alternative locations in the side and rear yard. Under the C-2 special reasons variance criteria, Mr. Askin explained that the replacement of the old dilapidated shed with a new attractive building is a noticeable improvement to the desirable visual environment with no affects to the public good, and will protect the public health and safety. There are no bathrooms or plumbing proposed and therefore no impacts to the groundwater or potential for contamination which will protect the environment.

The following witnesses were sworn in to testify;
Andrzej Tomaszewski, the Applicant of 292 Main Street and
Joseph D. Greenaway, P.L.S. of Sussex, NJ.

Mr. Makowitz referred to the prior hearing where the testimony revealed there is a water spicket in the old shed.

Mr. Tomaszewski explained that there is an existing spicket that we would like to keep for a hose only, but it can be capped off if the Board prefers.

Mr. Greenaway is a N.J. licensed Land Surveyor for sixteen years and has appeared before many Boards in the County including the Planning Board in Sparta. The Board accepted his professional credentials. Mr. Greenaway referred to the survey of the property and described the lot which is relatively flat in the location of the existing shed and proposed garage. The new garage will be located at the base of the slope from the road and not as noticeable since there is a double tree row for screening and the revised plan relocates the garage back further from the road than the prior plan. The property slopes to the rear and moving it back further could result in engineering issues. The additional gravel area has been included in the impervious coverage calculation on the revised survey and the coverage is well under the maximum requirement.

Ch. Goldschmidt stated that it appears there is enough space to locate it on the side or rear yard and conform to the ordinance.

Mr. Greenaway explained that it will be less disturbance to replace in the location of the existing building since there is a steep slope to the neighboring property that would limit the use. There is also existing pavement to a point and it would limit the additional coverage that would be needed if relocated further.

Mr. Askin asked if he could address the visual impact to the community.

Mr. Greenaway stated the visibility would be concealed by the bank from the road and the evergreen trees will shield the view from the road.

Dr. Parker referred to the plan and stated that there is a boat parked on the left side in an area that appears to have little slope. He asked why it can't go in that location?

Mr. Greenaway stated it would be in full view from the road and could be an eyesore.

Mr. Tomaszewski explained the proposed location is better for access to drive in and to turn around in the paved area.

The Board discussed alternative locations for the garage and Mr. Makowitz asked several questions including; if there is a garage on the house and if the new garage will have any gutters?

Mr. Tomaszewski stated there is a three car garage on the house and since he has 4 cars, two are parked inside and two outside. The new building will be for his snowmobiles and ATV's as well as storage. The new building will not have gutters and the water will run off to the ground and downhill.

Mr. Greenaway explained that the water currently sheet flows to the wetlands in the rear.

Ch. Goldschmidt noted that the proposed garage is about four times the size of the existing shed, which is well hidden from view, but this is not just a replacement of the shed.

Mr. Askin submitted copies of photos of the property which were marked as Exhibit A-1.

Mr. Tomaszewski took the photos on February 27, 2018 and described the two pages of photos with one view from the front of the current shed, one from the side and one of the two rows of evergreen trees along the road. He explained that this is the flattest area of the lot for the building and he needs the turnaround area since he can't back out on to the busy road.

Mr. Molski asked what the height of the current shed is?

Mr. Tomaszewski stated the shed is 14 feet high and the proposed garage will be 16 feet.

Mr. Jozefczyk asked why the garage was moved back further from the road on the revised plan and if the shrubs will be replaced?

Mr. Tomaszewski explained they are moving it back further from the road to limit the grading and the trees will be replanted. He explained that the trees were planted to replace older ones but since they are close to the road, the salt killed some of them. He will create a 3 foot berm to raise them up from the road and to create better shielding of the building.

Dr. Parker asked about the floor plan for the new building and stated that due to the large size it could be made into living space by a future owner. He explained that a deed restriction

from any partitions or living space would be required as well as restrictions from a commercial business.

Mr. Tomaszewski explained it is a pre-fab kit that can't be changed. It will match the colors of the existing house and have white trim. He has no plans for living space, there is no septic hookup and he would file a deed restriction and take out the water spicket if the Board requests.

Mr. Askin reviewed the variance testimony and described the special reasons for the variance including creating a desirable visual environment by tucking the structure into the slope with the large garage door facing the home and not being visible from the road. The removal of the old dilapidated structure and replacing it with an attractive building with no further intrusion meets the positive criteria and there are no negative impacts from the proposal.

The hearing was opened to the public and no comments were heard.

Dr. Parker made a motion to approve a variance for an accessory structure in the front yard and a front yard setback variance for a setback of 27 feet according to the plans and testimony provided subject to the following conditions, landscaping will be planted to screen the building with a plan to be approved by the Planning Department, electricity and the water spicket are permitted, but no bathroom, plumbing, septic hookup or commercial use is permitted. The colors will match the house and a deed restriction will be filed restricting the building from living space. Mr. Laury seconded the motion and the roll was as follows;

Mr. Makowitz	No	Mr. Jozefczyk	No
Mrs. Maloney	Yes	Mr. Molski	Yes
Dr. Parker	No	Mr. Laury	No
Ch. Goldschmidt	No		

With no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator