

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JUNE 27, 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, Randy Burke, Tim Parker, Thomas Molski,
Richard LaRuffa and Wilbur Goldschmidt

Members Absent: Kenneth Laury and Michael Jozefczyk

Others Present: Angela Paternastro- Pfister, Esq.
David Simmons, P.E.
David Manhardt, P.P.
Maureen R. Donnelly, Zoning Officer

**SCHEDULED APPLICATIONS:
GERALD ANDREWS # 9-18
CAPTIVA LIFESTYLES LLC # 8-18**

MINUTES APPROVED:

Mr. LaRuffa made a motion to approve the minutes of June 13, 2018. Mr. Molski seconded the motion and the roll was as follows:

| | | | |
|-----------------|-----|------------|-----|
| Mr. Makowitz | Yes | Mr. Molski | Yes |
| Mr. LaRuffa | Yes | Mr. Burke | Yes |
| Ch. Goldschmidt | Yes | | |

RESOLUTION MEMORIALIZED:

Dr. Parker made a motion to memorialize the resolution granting a side yard setback variance for a shed to Jessica McGrover # 7-18 relating to Block 4016 Lot 40 decided on May 23, 2018. Mr. Molski seconded the motion and the roll was as follows:

| | | | |
|-------------|-----|-----------------|-----|
| Mr. LaRuffa | Yes | Dr. Parker | Yes |
| Mr. Molski | Yes | Ch. Goldschmidt | Yes |

PUBLIC HEARING:

**GERALD ANDREWS # 9-18
7 ROCKY TERRACE**

Glenn Gavin represented the Applicant for variances to rebuild a home that was destroyed by fire.

Ch. Goldschmidt asked if the Applicant objected to members of the Board who reside in Lake Mohawk hearing this application?

Mr. Gavin had no objections. He explained the variance request for height and exceeding the number of stories, where 2.5 are permitted.

Jason Dunn P.P., Landscape Architect of Dykstra Associates, was sworn in to testify. His professional qualifications have been previously accepted by the Board. Mr. Dunn submitted a colored version of the site plan entitled Proposed Variance Plan dated 3/28/18 which was marked as Exhibit A-1. Photos consisting of 2 pages with 4 photos of the pre-existing home were marked as Exhibit A-2 and 3 pages of 5 photos of the partial foundation left on the property were marked as Exhibit A-3. Mr. Dunn described the property which is lakefront and very steep. The former home was 3.5 stories which is the same as the proposed but it a different style house. The former one was Contemporary and the proposed will be more in keeping with the lakestyle with varying roof pitches and stone materials. a proposed deck will overlook the lake and the house will be an improvement from the prior home. The variances are due to the special reasons resulting from the very steep lot and the existing foundation will be re-used as is practical.

Ch. Goldschmidt asked if the foundation can be built on?

Mr. Dunn explained that portions of it may need to be rebuilt but they will use the same footprint. He described the slope that continues upward past the house and the landscape steps are necessary due to the change in grade and the connection to access the rear yard from the ground to the deck. A variance is requested for the steps not meeting the five foot setback, but there is a wooded area next to the property line and then a residence further back and the location is forced due to the 45% slope. The number of stories variance is due to the steep grades and the height is 43.59 but is due to the average of the top which is at street level and the bottom which is an 88 foot drop. The proposed house will not block views since the neighbor behind it is 20 feet higher. He referred to A-2 and indicated the slope of the roof of the prior home and explained the peak of the new roof will be at the chimney level and there are trees higher than the roof.

Gerald Andrews, the Applicant and owner of the property, was sworn in to testify. He stated that he lived in Sparta previously and will be moving back. They wanted to keep the lake architecture style with stucco, stone and timber. He described the floor plan stating that the lowest level is the Utility room and game room. The top level is at street level and includes the main living areas and an elevator. The second level down has two bedrooms, a bath and laundry room.

Ch. Goldschmidt asked what is under the garage?

Mr. Andrews stated it is all rock, there are no rooms under the garage. Level 3 of the house is the master bedroom and an office.

Ch. Goldschmidt asked if there is a closet in the room since that is considered a bedroom?

Mr. Gavin stated they could remove the closet.

Mr. Molski asked what the bedroom capacity is of the septic system?

Mr. Andrews replied it is a four bedroom septic system.

Mr. Dunn reviewed the special reasons for the variances due to the hardship to the lot and stated there are no negative impacts from the granting of them. There was a house there previously and it will be located in the same location.

The hearing was opened to the public.

Kelly Evans of 6 Rocky Terrace came forward and was sworn in. He lives across the street and is opposed to the variances being granted since the house is 4.5 stories and it will set a precedence. The additional height is due to the 23 foot ceiling in the great room which is not necessary. He stated that the previous home did not exceed the height since it went down the hill.

Mr. Gavin explained that the old house was a different style and the new roof is estimated at five feet higher than the prior home. The difference is due to the design and the neighbor's right to a view is not a reason to deny it.

Mr. Dunn stated that the view is nominally affected by the new home since it is only approximately five feet higher on the left side of the house.

The Board discussed this and Mr. Manhardt explained that the ordinance allows for rebuilding a home after a fire and the testimony is that it is five feet higher on the street side than the previous home due to the architectural design.

The Board discussed this further and Ch. Goldschmidt requested the Architect verify the height difference. This application was adjourned to July 25, 2018 without further notice.

CAPTIVA LIFESTYLES LLC # 8-18

53A SPARTA AVENUE

Sean McGowan represented the Applicant for a continuation of the application from the May 9th meeting where they introduced the application to the Board for a 70 unit apartment building. They have worked on addressing the questions and comments from the Board and have revised the plan. A Power Point Presentation was marked as Exhibit A-9 and the Architect will review the revisions to the plan.

The following witnesses were sworn in to testify;

Kenneth Dykstra P.E. of Dykstra Walker Design Group in Jefferson

Paul Going, Traffic Engineer from Atlantic Traffic who reviewed his professional qualifications for the Board

David Slater, the Development Manger of Captiva in Saddle Brook and Jose Carballo who was previously sworn and qualified by the Board.

Mr. Carballo reviewed the plan revisions on the rendering for the 3 level residential building with 2 levels of underground parking. The units have a courtyard access and there are no changes to the building plan except for the revisions requested by the Board including a trash/recycling area added to the first floor of each building which is circled in red on slide # 3. A maintenance company will handle disposal and the second floor plan has trash chutes and recycling rooms added in the red outlined areas. There are 2 per floor per building with bins. A private garbage/recycling hauler will be contracted. In addition the closet areas for the stacked washer/dryer units are shown on the plan on slide # 4. On the parking level plan

there was a concern of the parking space width so all the spaces are now 9 feet wide and meet the 9x18 foot RSIS standard.

Ch. Goldschmidt asked if they conform to the Sparta ordinances?

Mr. Simmons explained that the RSIS governs, however it does conflict with the Township ordinance that requires a 9x20 space. As he stated in his 6/18/18 report, a waiver can be requested. The striping runs inside the columns so the spaces are a full 9 foot width and the aisles are 24 feet wide which is the standard dimension.

Mr. McGowan referred to a subsection of the RSIS standards for the maximum requirement for residential developments.

Ms. Paternastro stated that the RSIS standard governs and does supersede local ordinances based on the Case Law. The Township standard is an additional standard and should be modified to conform or the Township would have to apply to DCA.

Mr. Carballo stated that the 9x18 RSIS standard is statewide and is used in all residential developments. The ADA spaces are a full 13'6" and they can add 4 more handicap spaces in both levels to address the concerns of the Board, but they do meet the requirements. The plan also shows the Utility area as depicted on slide # 5 that will hold the water for Fire Suppression with access from the outside. The building will be fully sprinkled and they will comply with the Fire Marshall's request for training. The elevations were reviewed on slides # 6 & 7 and Mr. Carballo explained the height was calculated at 61 feet at the top.

Mr. McGowan stated that they did a "balloon test" on June 16th to show the height at the peak of the roof and from most areas it was not visible and no higher than the existing vegetation.

Mr. Makowitz requested photos from the balloon test and the Board asked a question regarding the height calculation and Mr. Manhardt confirmed the height was calculated consistent with the ordinance.

Mr. Carballo reviewed the "Night Renderings" on slide # 8 that show the view from the center courtyard at night with the outdoor amenity space lit up under the pergola on slide # 9.

Mr. LaRuffa asked what the night lighting will look like from Sparta Avenue and Main Street and if they could provide renderings from each location.

Mr. Carballo explained you will see lights on in the building and a glow only late at night since the courtyard and other lights will be dimmed after a certain time. A Sample Material Board was submitted and marked as Exhibit A-10 indicating the colors of the materials.

Dr. Parker asked Mr. Simmons to comment on the lighting.

Mr. Simmons explained that the lighting plan provides for 0.5 foot-candle with downward directed fixtures which contain the light. He would recommend a time be determined to turn

down the lights, however they cannot go below 0.5 foot-candle for safety reasons and the isolux lines should be reviewed at the full level and the dimmed levels.

Ch. Goldschmidt asked what the foot-candle level is in the night rendering?

Mr. Carballo replied 2.5 to 3 is shown and is the brightest time. The dimmer level is much lower and they will provide the levels to Mr. Simmons for review.

At this time, the hearing was opened to the public and no comments were heard.

The Board took a five minute recess at this time and reconvened at 9:25 PM.

Mr. Dykstra reviewed the site changes to the driveway which include widening the driveway to 30 feet as per the Fire Marshall's recommendation and adding the generator pad on the lower garage side behind the bank and it will be screened. He referred to the Site Layout Plan on Exhibit A-9 and indicated the relocated Wawa driveway that now lines up with the parking garage entrance.

Dr. Parker asked what the difference in grade level will be from the cemetery?

Mr. Dykstra explained it is variable at different grade levels but they will excavate about 23 feet from the existing grade to the foundation and the grade drops off on the sides. The existing chain link fence will be "shored" up for construction and will not impact the cemetery. The streetscape improvements will be installed all the way up the driveway consistent with Sparta Avenue light fixtures.

Mr. Molski asked a question regarding the gates.

Mr. Dykstra explained the gate was proposed at the driveway opposite the upper level garage however the Fire Dept would prefer it remain open and it is up to the Board.

Mr. McGowan explained that they added the gate to address the Board's concerns with security and it was changed to an automatic gate that does not require a "fob" and will just open up however, if the Board prefers they could eliminate it and add a speed table.

The Board discussed this and Ch. Goldschmidt stated they would prefer no gate.

Dr. Parker asked Mr. Simmons if the Wawa site is not approved or built at the same time, will a retaining wall be needed for the slope difference?

Mr. Simmons explained that there are grading easements on both properties which allow them to grade and slope the property if they other site is not constructed. He asked if the Wawa is not constructed would they make a driveway to Route 517?

Mr. Dykstra replied no, and described the easements for the two properties. He explained that this site stands on its own and can be developed independently with the access from Route 181. They have grading easements on the other property and after construction they will stabilize and re-vegetate it if the Wawa is not built.

Dr. Parker asked about the maintenance of the driveway from Burger King.

Mr. Dykstra explained that once the construction is completed they will rebuild the entire section of driveway with new drainage, curbing and sidewalks.

Mr. Manhardt recommended an additional section of sidewalk be added from the building to connect to the main sidewalk.

Mr. LaRuffa asked if the drainage from both sites will be connected to Route 181?

Mr. Simmons confirmed that each site can handle their own drainage and where the two drains meet at the common driveway from Sparta Avenue he recommends the pipe be increased from 12 inches to 15 inches.

Mr. Dykstra reviewed the increase in impervious coverage to 74% due to the increase of pavement from widening the driveway to 30 feet for the Fire Marshall requirements and for the snow removal plan. The plan was submitted and demonstrates the four areas where the snow will go based on a 2 foot snowfall. They calculated the volume once it is packed with 6 foot high piles.

Ch. Goldschmidt asked for clarification on the number of stories of the building?

Mr. Dykstra explained it is 4 stories with the 5th level buried consisting of 3 living levels and 2 garage levels.

Mr. Manhardt confirmed that he agrees with the 4 stories.

The hearing was opened to the public for comments. No comments were heard.

Mr. Going, the Traffic Engineer reviewed the site location with access off of Route 181 and which is under a Jurisdictional Agreement with NJDOT for the Township Streetscape Improvements. The property is currently vacant and a Traffic Study was done for the proposed 70 residential units looking at the peak hours in the AM and PM. He referenced the Trip Generation Manual data which is used for each land use and last updated in September, 2017 for multi-family residential uses.

Ch. Goldschmidt asked what the data is based on and if mass transit is considered?

Mr. Going explained the data is based on Suburban locations throughout the Country and shows different rates based on actual data. The Urban section is on one end of the spectrum and Suburban the other. This is considered a mid-size residential complex and the peak rates are estimated at 26 weekday peak trips per hour and 36 peak trips on Saturday. The threshold is 100 trips and they are well below that.

Mr. Molski asked what the peak hours are?

Mr. Going replied the hours are 7:30 – 8:30 AM and 6:00 to 7:00 PM.

Due to the late hour, the Traffic Engineer will continue his testimony at the next meeting. The application was adjourned to July 25, 2018 without further notice and a 30 day extension was granted for the date of action.

A motion was made by Dr. Parker to enter into Executive Session. Mr. Molski seconded the motion and all voted in favor.

CLOSED SESSION

A motion was made by Dr. Parker to return to the Public Hearing. Mr. Molski seconded the motion and all voted in favor.

With no further business, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator