

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JULY 11, 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, Michael Jozefczyk, Randy Burke, Tim Parker, Richard LaRuffa, Michael Sylvester and Wilbur Goldschmidt

Members Absent: Kenneth Laury and Thomas Molski

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

Michael Sylvester was issued the Oath of Office to fill the Second Alternate position. Ch. Goldschmidt welcomed him to the Board.

SCHEDULED APPLICATIONS:

REV. GEORGE BROWN SCHOOL # 10-18

IAN WEINTRAUB # 5-18

WAWA INC. # 3-18

MINUTES APPROVED:

Dr. Parker made a motion to approve the minutes of June 27, 2018. Mr. LaRuffa seconded the motion and under discussion, added the following sentence to paragraph #10 on page 4, “Mr. LaRuffa requested a rendering of the night lighting from Main Street and Sparta Avenue be provided to the Board.” This revision was accepted and the roll was as follows:

Mr. Makowitz	Yes	Dr. Parker	Yes
Mr. LaRuffa	Yes	Mr. Burke	Yes
Ch. Goldschmidt	Yes		

PUBLIC HEARING:

REV. GEORGE BROWN SCHOOL # 10-18

294 SPARTA AVENUE

Charles O’Connell represented the Applicant for a site plan amendment to a prior use variance application.

Mr. Jozefczyk recused from this application due to his membership in the church.

Owen Dykstra P.E. of Dykstra Associates was sworn in to testify. He has previously testified before this Board. Mr. Dykstra reviewed the site plan to install a playground in the school yard at the front of the building. The playground will include a swing set, slides, a jungle gym and other equipment as indicated in the plans provided. The existing flagpole at the church will be replaced and a new flagpole added to the front of the school. The base of the

equipment is rubberized wood bark mulch in a plastic border which will not increase the impervious coverage. The flag poles will be 30 feet high and will have footings.

Mr. O'Connell asked if the school has a playground currently and if there will be any traffic impacts from the playground?

Mr. Dykstra explained there is a small play area for the pre-school class only but nothing in the yard for the other students. The parking lot is closed off during the day and entrances blocked during school hours. Vehicles will not be able to access the area near the playground.

Ch. Goldschmidt asked if they could address the report from Mr. Powell, Township Engineer.

Mr. O'Connell stated they have no objections to the report and will comply with the recommendations for signage on the equipment.

Mr. Makowitz asked if there are any mats under the equipment?

Mr. Dykstra explained that the mulch is rubberized and there are separation areas on the plan.

Mr. LaRuffa asked about the proximity of the gas main and how far down the footings will go?

Mr. Dykstra stated it is located about 2.5 feet down which is typical and is a small line for the building only with a safety ribbon on top of the main.

The Board discussed this and asked if the playground will be removed when the carnival is here?

Mr. Dykstra replied no, they will set up around it.

The hearing was opened to the public.

Steven Infante of 10 Sagamore Trail came forward and was sworn in.

He explained that he lives adjacent to the church and asked if the school is church property?

Mr. O'Connell stated it is owned by the Diocese of Paterson.

Mr. Infante explained that the house next to the church has parking and dumping issues and needs to be cleaned up.

Ch. Goldschmidt advised him that this is an enforcement issue and not under the Boards' jurisdiction.

Mr. O'Connell advised that he will relay the message to the proper church authorities to address.

With no further comments, Dr. Parker made a motion to approve the Amended Site plan for the proposed Playground and the 2 Flagpoles according to the plans submitted and the testimony provided subject to Mr. Powell's report recommending signage for the equipment. Mr. LaRuffa seconded the motion and the roll was as follows:

Mr. Makowitz	Yes	Mr. LaRuffa	Yes
Dr. Parker	Yes	Mr. Burke	Yes
Mr. Sylvester	Yes	Ch. Goldschmidt	Yes

Mr. Jozefczyk rejoined the Board at this time.

IAN WEINTRAUB # 5-18
337 EAST SHORE TRAIL

Ian Weintraub the Applicant and Michael Fox, licensed Architect were sworn in to testify.

Mr. Weintraub explained that he has owned the home for fifteen years and the house has had numerous issues and repairs. They have decided to knock it down and rebuild it to make it more live-able for the future when he retires and will live here full time.

Michael Fox reviewed his professional qualifications for the Board and was accepted as an expert witness. Mr. Fox reviewed the plans for the new construction and marked several exhibits. Exhibit A-1 is a colored rendering of the existing and proposed layout plans entitled, "Site Display Board dated 7/11/18. Exhibit A-2 is a photo board consisting of 13 photos of the property and the neighborhood taken by him this week and Exhibit A-3 is the cross sections of the left and right sides of the house dated 7/11/18. The application requests several variances including; lot area and width, which are pre-existing conditions, impervious coverage of 34.8% and for the number of stories which will be 3.

Mr. Fox reviewed the property with a small steep lot and existing two story raised ranch dwelling. He referred to the plan to add some living space and since there is no room to expand the structure out due to the setbacks, the home will be rebuilt in almost the same location. The side yard will be expanded from 6.5 feet to 8 and the goal is to lower the garage for better access from East Shore Trail, which has poor sight distance in this area. He referred to photo # 6 for the sight distance. The impervious coverage will increase due to the addition of a turnaround for safer access. Photos 1 and 2 indicate the subject property and 3, 4 & 5 of the adjacent properties. Photos 6 & 7 are of the street looking at each direction. Mr. Fox reviewed the site plan and referenced the lower driveway, re-located deck from the left side to the right side and the new stairs and turnaround. Sheet Z-1 indicates the existing elevation with the garage 9 feet above street level and the proposed plan on sheet Z-3 which shows the front elevation with two stories and a one car garage which adds a level to the street side and then slopes up the back with a dormer to minimize the height. The house conforms to the 35 foot height requirement but exceeds the number of stories.

Ch. Goldschmidt asked what is the height of the home currently and in relation to the surrounding homes?

Mr. Fox explained that existing house is about 5 to 6 feet lower than the proposed home of 32 feet and drew the current level on the proposed elevation. The house next door is two

stories as are most of the homes. Some sit up on the hill and have garages at the street level but are similar in height.

Mr. Weintraub explained that most of the surrounding homes are two stories and the house behind his is higher up the hill.

Mr. Fox reviewed sheet Z-3 of the floor plans and described the lowest level as garage and utilities, the main level in the middle with the entrance, living room, kitchen, recreation room and master bedroom, and the top level with two bedrooms and two baths.

Dr. Parker asked what the septic capacity is rated for?

Mr. Fox explained that it is a three bedroom septic and they will replace the tank and retain the 3 bedroom system. He further explained that the Lake Mohawk Country Club Engineer reviewed the plans and recommended some modifications to the grade in order to protect the septic system which they will agree to make. They will also add leaders and dry wells per his request to address the increase in impervious coverage from the turn around. This will meet the positive criteria and improve the conditions from the present parking on the road and to address the hardships from the steep grade and lack of sight distance.

Mr. Sylvester asked if the oil tank and fill will be modified?

Mr. Weintraub stated the underground tank will be removed and put in the basement.

Mr. Makowitz asked if the wall, deck and air conditioner pads were included in the calculation?

Mr. Fox replied yes.

Dr. Parker asked if the deck will be covered and if not then it should not be in the calculation.

Mr. Weintraub stated it will not be covered.

Mr. Fox re-calculated the coverage after removing the deck and the revised amount will be 33.2%.

The hearing was opened to the public.

Joseph Michalowski of 12 Fern Road came forward and was sworn in. He is the adjoining property owner to the rear left and has concerns of the hot tub use late at night and the outside television and 2 spotlights. They produce a lot of light that shines into his home. He recommended the lights be turned inward instead of shining out onto other properties and also requested the TV not be used outside.

Mr. Weintraub explained that he was unaware of the issue and will put a curfew on the use of the hot tub.

Mr. Fox explained that they will address the lights by putting them on posts at the rear of the property to shine onto the house and not out to others.

Thomas Lemanowicz P.E. of C. P. Engineers came forward and confirmed his conversation with the Applicant regarding the mitigation for the additional impervious coverage to add the dry wells.

With no further comments, Dr. Parker made a motion to approve the pre-existing lot area and lot width variances for the construction of a new 3 story home with a 5.5% impervious coverage variance according to the plans submitted and subject to the deck not being covered, the dry well mitigation as proposed, the Health Dept approval of the septic system, and the revisions to the outdoor lighting as testified to. Mr. LaRuffa seconded the motion and the roll was as follows:

Mr. Makowitz	Yes	Dr. Parker	Yes
Mr. LaRuffa	Yes	Mr. Burke	Yes
Mr. Sylvester	Yes	Ch. Goldschmidt	Yes

Ch. Goldschmidt asked the Applicant if wanted to waive the written resolution?

Mr. Weintraub agreed.

Dr. Parker made a motion to waive the written resolution. Mr. LaRuffa seconded the motion and all voted in favor.

The Board took a five minute recess at this time and reconvened at 8:40 PM.

WAWA INC. # 3-18
ROUTE 517 AND ROUTE 181

A Court Reporter attended the hearing for the Objector.

Ms. Paternastro-Pfister confirmed that Dr. Parker has listened to the recording of the June 13, 2018 meeting and has signed the certification. Mr. Sylvester will be listening to the recordings and will provide the certification.

Debra Nicholson represented the Applicant for the continuation of the Wawa application. She explained that the signs have been revised however they will address them at the next hearing when Mr. Manhardt will attend. Kenneth Dykstra, P.E., who was previously sworn in to testify, will review the revisions to the site plan and the building colors and the Traffic Engineer will testify. The revised site plan was marked as Exhibit A-6.

Mr. Dykstra reviewed the revisions to the plan which eliminated the loop road from Route 517 based on the Board's comments and they have confirmed that the trucks can maneuver around the site without it. The building has also been shifted back 8 feet to add a buffer along Route 517 for the landscaping. The streetscape improvements will be completed from the corner of Sparta Avenue to the end of the site and will include the same light fixtures, benches and receptacles consistent with Sparta Avenue. The revisions to the plan have reduced the impervious coverage from 62% to 56.5% and added a more conforming buffer to Route 517.

Mr. LaRuffa asked if this site plan approval includes the connections to the adjacent property?

Ms. Nicholson explained that the applications are both independent and can stand alone but they are cooperating with each other for the construction activities. If one application is approved and not the other no changes need to be made to the site plans. She explained there are recorded easements for utilities, grading and access that were submitted with the application.

Ch. Goldschmidt asked if there will be any earth moving on the other lot?

Mr. Dykstra replied yes and explained the cross easements and grading easements for each site. He reviewed the interconnection to the existing driveway on the plan and stated approximately 5,000 yards of material will be removed on the adjacent site. Mr. Dykstra referred to Exhibit A-5 which depicts the Architectural progression of the building and canopy from the first drawings and then after meeting with Township Officials and staff. Exhibit A-4 depicts the colors and materials for the buildings which meet the Town Center Ordinance requirements for architectural features including roof lines and colors. He explained that the canopy on the top of A-5 shows the typical Wawa prototype and the bottom canopy is the revised design with the "A" frame roof and all the canopy signs removed. The building at the top is also the first drawing of a typical Wawa store and the bottom one is the revised plan that meets the design standards.

The hearing was opened to the public for questions of Mr. Dykstra.

Nicholas Duston of Norris, McLaughlin & Marcus, representing the owners of the 7/11 Shell, came forward and asked several questions of Mr. Dykstra regarding the revised plan including; the relocation of the building, if there are any changes to the drainage, if there are any wind issues with the canopy design and lighting, and if an analysis was done in case of a spill? He also asked if the impervious coverage includes the parking spaces on the easement?

Mr. Dykstra explained that the building was moved back on the lot and slightly left to the southeast of the site. The drainage will be revised on the plans and the Architect has designed the canopy to meet all requirements. He is not aware of any analysis but they are required to meet all standards for spills. The spaces are included in the coverage and are part of an agreement between the property owners.

Dr. Parker asked Mr. Simmons if the lighting plan for the canopy was reviewed?

Mr. Simmons explained that the foot candle range was provided on the Exhibit and he checked the numbers and fixtures which are flush to the canopy and not hanging down. The average foot candle is 33.58 and the maximum and minimum levels meet the standard ranges for canopys.

Matthew Seckler the Traffic Engineer of Stonefield Engineering & Design, who was previously sworn in at the prior meeting, reviewed the revised Site Layout Exhibit marked as Exhibit A-6. He referred to an aerial photo of the intersection area taken in August, 2017 with the site indicated in yellow on Route 517, which was marked as Exhibit A-7. He explained that the intersection has had numerous changes in the last 45 years and both are arterial roadways with Route 517 carrying in excess of 15,000 to 20,000 vehicles per day and 13,000 to 16,000 vehicles on Route 181. The heaviest traffic is eastbound in the morning

and westbound in the afternoon. The high volume traffic is ideal for this site with mainly “pass by” traffic and the use is convenient to the traveling public and not considered a destination. The traffic counts were taken from DOT May 2017 data and they performed their own counts in March and May. They also used County data from May, 2016 and established the volumes based on the NJDOT growth rate of 1% each year over 3 years. Based on the Generation Trip Manual of Industry Standards they did counts at Quick Chek and found that there are more trips in the AM hours and less in the PM hours. They also did counts for the 7/11 Shell and found they are under in both the AM and PM hours. The heavy AM flows will utilize the right in and right out and the improvements will include a left turn lane to enter or leave the site based on the Sussex County standards. The 100 foot left turn lane is sufficient and they have met with the Township Police Department as well as the County Officials on the site. A “Do Not Block” box will be installed for left turns out of the site. He indicated where the 7/11 has their “Do Not Block box” on their site. He further explained that he analyzed the site and the driveways are both designed for safety and you can expect an increase of one new car per minute at the intersection with no changes to the overall level of service. The site is designed well with 50 parking spaces, which exceed the requirement of the ordinance but there are also spaces for the air and vacuum usage. The recommendation by the Traffic Engineer’s manual is 40 -45 spaces.

Ms. Nicholson asked who has jurisdiction over Route 517? She also asked if he could address the Board’s concerns regarding school bus stops.

Mr. Seckler stated it is a County roadway and he has met with them for a thorough review. He also met with NJDOT for the access from Route 181 and will file a major access permit with them. He reviewed the school bus route and they use the right side of the road for the bus stop at Lewis Lane.

Ms. Nicholson asked if the County has determined the left turns to be safe and if he could address the concerns of the merge lanes on Route 517.

Mr. Seckler stated the County has reviewed and approved the left turns and found them to be safe. In regards to the merge lanes, the site is over 500 feet from the intersection and is 200 feet past the merge of the two lanes so there will be no impact. He has also reviewed the accident reports from the Police Dept. on Route 517 at the Mohawk House driveway and there are no reported accidents at all. Both sites can operate well and have different user times with the Wawa mainly early in the day and the restaurant in the evenings. There are no sight distance issues with clear sight on either side and no negative impacts.

Ch. Goldschmidt asked if cars parked on Route 517 can affect the sight distance? He also asked about left turns during the busiest times.

Mr. Seckler replied no, there will be a painted median area in the middle of the road and the shoulder area will not affect sight distance. There are two busiest times with the highest in the AM as customers get coffee in the morning and the PM, where for some customers it may be easier to use the store on the other side of the road. We project about 59 cars during the busy AM hours that will be making right turns in and out.

Mr. LaRuffa asked if the AM traffic merging into the 45 mph road will slow down the flow to Route 15?

Mr. Seckler explained there is a full shoulder area to slow down and enter the site and the County has not requested a deceleration lane but this site is much further from the intersection than the 7/11.

The Board discussed this and Ms. Nicholson explained that when the roadway is under the County or State jurisdiction, they have full control over the road. The County has done a full analysis of the traffic and the road and the Board focus should be the site itself and ingress and egress.

At this time the Board took a five minute recess and reconvened at 9:55 PM.

Ms. Paternastro-Pfister clarified the discussion and stated that the Board has jurisdiction on the site itself and not on the County road. Only the circulation on the site can be considered since the intersection backing up is not under the Board's jurisdiction. She asked Mr. Seckler if he could explain his discussions with the County.

Mr. Seckler stated the County has received all the reports and has discussed the impact of cars slowing down to enter the site and to merge. The design is under their purview and we can adjust the shoulder to widen the traveled way if they request it.

Mr. Sylvester asked if he could address stacking during the peak hours and how many cars can fit on the site?

Mr. Seckler explained that they estimated 2 to 3 cars waiting to make the left turn out, but the "Do not block" box will help that and reduce the time to allow the cars to merge into traffic. They can stack 9 cars at one time.

Ch. Goldschmidt asked if he has reviewed the Police Report?

Ms. Nicholson replied yes they met with the Traffic Safety Officer on the site to clarify some of the issues and review the re-design of the driveway and elimination of the loop road that will prohibit pass thru traffic. In addition the "Do Not Block" box will help.

Mr. Seckler referred to the third paragraph of the Police Report which recommends the box signage. He stated that they cannot alleviate the existing traffic and the use is not increasing the traffic on the roadway. As an expert he looked at sight distance which is clear all the way and there are no safety issues. In regards to the prohibition of the left turn at 7/11, the dip in the road blocks and limits sight distance at that location.

The hearing was opened to the public for questions.

Mr. Duston came forward and voiced his objections to the Applicant's Attorney testifying and to the notice issue stated at the first hearing.

Ms. Paternastro-Pfister advised that the notice was confirmed at the first hearing and this hearing was opened for questions of this witness only.

Mr. Duston asked Mr. Seckler several questions regarding his testimony about the number of parking spaces at other Wawa locations, the comparison to the building sizes for Quick Chek and 7/11 and the traffic counts in his report.

Mr. Seckler explained that the parking spaces depend on each Wawa location since some have outdoor seats and different size buildings. His conclusion is that since the 5,000 square foot Wawa store is larger than the 3,000 square foot 7/11 they will generate more traffic. He based his findings on the values and DOT data as well as the counts collected at each location.

Mr. Duston asked if the County has approved the “Do Not Block” box and if the left turns will be permitted in and out?

Mr. Seckler stated that the County is open to it but they will study it and advise us since they have the ultimate decision. It will create an unnatural block in the traffic similar to the 7/11 to allow cars to exit the site into traffic. The box is used as a tool by Traffic Experts. Left hand turns are approved in and out of the site and since the site has two driveways, it helps provide an alternative, self correction situation.

At this time the Chairman announced that the hearing will have to be adjourned due to the late hour. The application was adjourned to July 25, 2018 without further notice.

With no further business, the meeting was adjourned at 10:40 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator