

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JULY 25, 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, Randy Burke, Tim Parker, Richard LaRuffa, Michael Sylvester and Wilbur Goldschmidt

Members Absent: Kenneth Laury and Michael Jozefczyk

Others Present: Christopher Quinn Esq.
David Simmons, P.E.
Roxanne Landy, Acting Board Secretary

**SCHEDULED APPLICATIONS:
GERALD ANDREWS # 9-18
WAWA INC. # 3-18**

MINUTES APPROVED:

Dr. Parker made a motion to approve the minutes of July 11, 2018. Mr. LaRuffa seconded the motion and under discussion, he requested the minutes reflect that a Court Reporter was present for the Wawa application. 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:

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

Glenn Gavin represented the Applicant and explained that at the last meeting they presented testimony for the height variance and side yard setback variance for the steps. The Board had requested additional information. He asked how many Board members were eligible.

Ch. Goldschmidt confirmed that Mr. Sylvester has listened to the recording which would now make seven members eligible.

Charles Schaeffer, licensed Architect from Newton, NJ was sworn in to testify. The Board has previously accepted Mr. Schaffer’s professional qualifications. He reviewed the revised plans that were submitted to the Board and also the previous elevations. He explained that the double gable roof was removed to a single gable and lowered four feet on one side. A shed roof will be over the door with a copper accent and they “clipped” off the end of the gable roof. He measured the height from the garage floor to the existing basement foundation and it is 35 feet due to the grade of the cliff and the drop off. This would be a one story home on a normal lot that doesn’t have these grades. The ceiling height in the kitchen

is 9 feet and height over the garage was reduced by 3 to 4 feet. The lake style design will be maintained however any structure on this lot and foundation would require a variance. The height has been reduced from 43.59 to under 40 feet and he would assume that the prior home also exceeded the height, although he did not see it. In regards to the Board's questions regarding the space under the garage, it is a open void underneath and cannot be used as live-able space.

Ch. Goldschmidt asked what the height is? He also asked what is shown on the last page over the garage as level 5?

Mr. Schaffer replied the height is 7 foot 6 inches. That page is the garage floor plan which is higher than the main house by 4 feet. It shows a cross section of the house with the attic which is around 9 feet above the garage and only 5 to 6 feet high. There are no stairs in the attic area and it would not meet any codes for living space.

Mr. Gavin stated they agreed to accept a condition of no living area except storage and will record it in the chain of title.

Dr. Parker asked what the revised height will be? He also asked about the wall and steps?

Jason Dunn, P.P., who was previously sworn in to testify explained the revised height calculation performed by his office on the new plan dated 7/13/18. The revised height will be 39.72 feet which is 3.87 feet lower than the prior plan. Mr. Dunn referred to Ex. A-1 to indicate the location of the landscape steps that will connect the front yard to the rear yard. He explained that they are working with the location of the prior foundation which is why the setback is close to the property line. It is next to a wooded area and will not have any impacts to the neighbor. The steps are only 3 feet wide and it is the only area to build them.

Mr. Makowitz asked how will the steps be maintained?

Mr. Dunn explained they can install the steps and maintain them completely on the property.

The hearing was opened to the public.

Kelly Evans of 6 Rocky Terrace came forward. He was previously sworn in at the prior hearing. He expressed his concerns with the height and how it will block his views. He stated that the home will be two stories from the street level and the 9 foot kitchen ceiling can be lowered further. The gable will be higher than the old house and it can be designed lower.

Mr. Makowitz asked Mr. Dunn to address the testimony that Mr. Evans house is 20 feet higher.

Mr. Gavin submitted a Google map photo of Mr. Evans home which was marked as Exhibit A-5. It shows the orientation of his home as a white rectangle across from the Andrews property. He further stated that Mr. Evans could have purchased the property to protect his view, which is not a zoning issue. The Architect testified that the height is a hardship to the property and a height variance would be necessary for any home. The Applicant has tried to address the concerns and alleviate them by lowering the roof. A sight profile exhibit was marked as Exhibit A-4.

Mr. Dunn reviewed the exhibit which indicates the sight line profile from the top of Mr. Evans home with a superimposed drawing of the proposed home roof heights drawn to scale. He explained that his office surveyed the elevations of the Evans deck and the pink highlighted line shows there is very little difference from the 35 foot height and the proposed height.

Bill Greenlaw of 63 West Shore Trail came forward and was sworn in. He asked Mr. Schaffer several questions regarding his testimony and whether he considered a shed roof to lower the height?

Mr. Schaffer explained the design would not look right and the shed roof would need to go halfway down to bring the pitch lower and he would not recommend it. This would still not eliminate the height variance.

Jeff Patuto of 9 Rocky Terrace came forward and was sworn in to testify. He expressed his concerns of the variance for the landscape steps since he is the adjacent property owner. He asked if there will be removal of shrubs and if they are in the same location as the existing steps?

Mr. Dunn reviewed the plan of the existing conditions and indicated the steps on the plan. He estimated the existing steps were about 2 feet from the property line and they could adjust the new ones to meet the same distance and maintain 3 feet if needed.

Mr. Patuto stated he would be ok with 3 feet.

With no further discussion, Dr. Parker made a motion to approve a 4.72 foot height variance and 3.5 stories to build a new home on the existing foundation according to the revised plan submitted. The steps and wall will be located 3 feet from the property line, there will be no access to the area under the garage, the number of bedrooms will conform to the septic size of 4 bedrooms, the colors will be approved by the Planning Dept and the resolution will be recorded in the chain of title. Mr. LaRuffa seconded the motion and under discussion Mr. Makowitz asked if a closet needs to be removed? This was clarified that the septic system will be sized for a 4 bedroom home and not necessary. With no further discussion, the roll was as follows:

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

WAWA # 2-18
ROUTE 517 AND ROUTE 181

Debra Nicholson represented the Applicant for a continuation of the application. She explained that the Objector's attorney will continue with the cross examination of the Mr. Seckler, their Traffic Expert and then they will have their own expert testify.

Chris Erd of the firm Norris, McLaughlin & Marcus was covering for Mr. Duston who attended the prior hearing. He stated that there is a Court Reporter present and asked for clarification of the 12 parking spaces behind the strip mall and their use?

Ms. Nicholson reviewed the easements that grant access from the Burger King driveway and a prior agreement between the property owners that the parking spaces would be maintained.

Mr. Erd asked several questions of Mr. Seckler who was previously sworn in to testify. He asked if he had done an analysis of the traffic signal at the intersection, what the peak traffic hours are and if the traffic from the Mohawk House was considered?

Mr. Seckler stated he did not study the traffic signal but he did studies of the driveways from Route 517 and Burger King easement and observations of the traffic patterns. The counts were done by NJDOT and performed on Wed, May 17th and Thursday May 18th. The peak hours for the Mohawk House are different since the Wawa peak hours are in the AM and the Mohawk House peak hours are later in the evening. The County has approved the alignment of the driveways and there are no concerns of interaction.

Mr. Erd asked about the internal traffic flows and if there is room for trucks and for boat trailers?

Mr. Seckler explained that cars will enter the driveway on the right side of the ingress and will proceed to the fuel stations or park at the store. They will leave through the exit drives on either Route 517 or the Route 181 easement. The distribution is based on existing traffic flows with a higher volume from Route 517 in the AM and PM. The site is designed to accommodate large vehicles and delivery trucks and the Site Engineer testified how they would access the site. Also, the Wawa representative provided testimony on the timing of deliveries.

Mr. Erd asked if there will be any impacts to the Burger King drive thru and from “cut through” traffic?

Mr. Seckler stated that based on his observations and analysis, the traffic using the drive thru is minimal and the “cut through” traffic will be minimal based on the elimination of the loop driveway.

Mr. Sylvester asked if any supplemental traffic reports were provided?

Mr. Seckler explained that he has done additional counts and observations based on the concerns but did not prepare an additional report.

Ms. Nicholson stated that experts typically conduct additional field studies for land use applications and supplement their findings, but they can submit the additional information in writing for the file if requested.

Mr. Makowitz asked if they could address the Environmental Commission report?

Ms. Nicholson explained that the Environmental Commission is not authorized nor has the expertise to comment on traffic issues since they are no Engineers and they find the report objectionable but will address it.

Mr. Quinn confirmed that traffic issues are not under the Environmental Commissions' purview but the expert can address the items and provide his expertise.

Ms. Nicholson referred to item # 1 referencing prior approvals on other sites and their traffic studies and item # 3 regarding the traffic in the EIS and asked Mr. Seckler to address them.

Mr. Seckler explained that he did not see the other studies but based on the current rates, the 7/11 under performs and the Quick Chek slightly exceeds in the AM and under performs in the PM according to the current data standards. He stated that similar developments in this Township generate less traffic based on the current industry standards and there is new data every 4 to 5 years. He does not agree with the Commission's statement based on the conclusions in the Study.

Ms. Nicholson referred to item #6 regarding left hand turns and asked if they are unsafe? She also referred to item # 7 regarding the Traffic Study count day, and the questions on the Growth Rate Assumption under item # 8.

Mr. Seckler stated that they are working with the County to install the "Do Not Block" box and disagrees that level of service "C" is unacceptable since a 40 second wait time is neither unsafe or unacceptable. They have the depth on the site for several cars to wait to make the turns and their analysis indicates that pass by traffic will not significantly impact this development. The ITE Trip Generation Handbook is relied on for all Counties in this State as the Industry standard and is based on number of trips. Item # 7 incorrectly referenced the Wed, 5/17/18 data since they relied on Thursday 5/18 data which based on NJDOT collected data they typically choose a school day either Tuesday, Wednesday or Thursday under good weather conditions to do the counts. He explained the Growth Rate Assumption is based on a factor to add volume on a roadway using NJDOT tables published for each County and for specific types of roadways and is the Industry standard.

Mr. LaRuffa referred to the potential for "cut thru" traffic and asked if the access from Sparta Avenue did not exist, would that affect the Study?

Mr. Seckler explained that it would centralize all the traffic to one driveway and may change the level of service. There are advantages to having two driveways and connectivity is a best practice specifically having cross easements between large shopping centers that use one driveway with interconnections. It is beneficial for access from other sites but he does not see "cut thru" traffic being an issue.

Ms. Nicholson asked if he would recommend "speed humps"?

Mr. Seckler explained that they can be plowing and maintenance issues, but they can be used as a deterrent and proper remedy on the Sparta Avenue connection if an issue arises.

Ms. Nicholson asked if he could address the two Police reports.

Mr. Seckler stated he met with Corporal Morris, Ken Dykstra, the Engineer on the site and Cpl. Morris was unaware of the County's review but explained that the intent of his report is to bring up potential concerns and provide a letter independent of other jurisdictions. As a Traffic Engineer he looked at the NJDOT accident data based on the local Police Dept reports and no accidents were reported from the Mohawk House driveway in the past 14 years. There have been other accidents at the intersection that are not related to the driveway. The two uses are different and if there were a high number of accidents it would typically be due to sight distance but that is not applicable here. The Wawa side of the road is better for sight distance in both directions and he doesn't believe that a left hand turn to Route 517 is a dangerous condition based on the sight distance and the "Do Not Block" box will be a helpful tool to promote access out of the sight.

At this time the Board took a five minute recess and reconvened at 9:35 PM.

Mr. Makowitz asked if they could address the last paragraph of the July 5th Police report?

Mr. Seckler explained that Cpl. Morris is referring to the existing traffic problems at the intersection and since this is not a Capital Improvement but a private development site, those problems will not be eliminated and will not benefit from it. The County will do their investigation for the "Do Not Block" box and enforcement will help but he believes if left hand turns are an issue it will "self-correct" itself by people choosing the easiest service station to access since there is the 7/11 and Quick Chek further down.

The questioning was opened to the public for Mr. Seckler's testimony.

Mr. Erd came forward and asked several questions regarding whether he is aware of other "Do Not Block" boxes and if this is a normal process?

Mr. Seckler stated there are three other applications he is working on currently in Morris County that they are also designing and there is one currently at the 7/11 site further down Route 517.

Mr. Erd requested their Traffic Expert testify at this time.

Lee Klein, licensed P.E. and Traffic Engineer in N.J., was sworn in. He reviewed his qualifications for the Board stating that he has been accepted as a Traffic Expert at over 80 Boards in the State and also consults for Boards in Randolph, Clifton and other towns.

The Board accepted his professional qualifications.

Mr. Klein stated he has reviewed the Traffic Report and plans submitted as well as the testimony provided and has done his own summary of trip generations. He submitted a Comparison of other 5,051 square foot buildings for permitted uses in the Zone, which was marked as Exhibit O-1. It compares the trip generations to show the difference in impacts from a convenience/gas store which is a non-permitted use. He did his counts on Tuesday, June 19 between 7-9 AM and 4-6 PM and on Saturday June 19, from 11AM -2 PM at the Mohawk House driveway. He found that there is a backup between 4-6 PM from the traffic signal to the driveway and then added in the "Peak hour factor" which was between 4:45-5:15 PM. He re-analyzed the counts using this factor and found that the PM peak level is

.89. His report with these counts was submitted as Exhibit O-2 and consists of 9 pages. He reviewed each sheet which details how they calculated the Critical Base Headway for left turns and found that some of his values are higher than the DOT numbers the Applicant's Engineer used, specifically during the 4-6 PM peak hours at the Route 181 easement. His analysis finds that the level of service is Level F when including the values from the Mohawk House driveway and the critical base headway.

Ch. Goldschmidt asked if he could describe the driving experience under those conditions.

Mr. Klein explained that the average wait to make a left hand turn out of the Wawa driveway on Route 517 will be 330 seconds and the delay will be 1,900 seconds at the easement driveway to Route 181, which is also a Level F. He submitted 4 sheets of a plan entitled, the Parking & Fueling Plan which was marked as Exhibit O-3. He did an analysis taking the site plan and showing vehicle templates for fuel and delivery trucks on sheet 1. Based on this, the truck would pass over the double yellow lines entering the site from a right turn off Route 517 and cross into the "queuing" lines for left turns out.

Ch. Goldschmidt asked if this is within the industry practice for other sites?

Mr. Klein stated there is only 23 feet between the curb and the fueling positions and he will show other Wawa sites that typically have 2 driveways. The fueling for the delivery trucks is off to the side, which is good but the truck must maneuver in to the space and they will need to "cone off" some spaces and pumps when the fuel is delivered. Sheet 2 indicates a box truck delivery layout, page 3 is a passenger car with a boat trailer which will be tight maneuvering around the pumps and there are no oversized vehicle spaces for parking. Sheet 4 is a garbage truck plan which shows the garbage truck will have to back in and out to access the dumpster.

Mr. Makowitz asked if he did any analysis for left turns in if the trucks were coming from Route 15?

Mr. Klein replied no, he only did the right turns in.

Ms. Sylvester asked if he factored in the second access from Burger King?

Mr. Klein explained that he would not recommend trucks use that access since it is narrow and he only did the worst case scenario with right turns in. A series of Google Map Aerial Photos of various Wawa locations were submitted as Exhibit O-4 and Exhibit O-5 is the maps with site conditions notes. He explained that the Cherry Hill Wawa has a better design and circulation, O-6 is the Mt. Laurel site which is also larger with good circulation, O-7 is the Salem Rd, Burlington site which is much larger with a better layout for the pumps, O-8 is the Mt. Holly Rd, Burlington site which has better separation between the uses and more parking, O-9 is the US130 Burlington site, with separate driveway access and larger vehicle parking spaces. O-10 is the 350 US130 Burlington site and has a Right in/Right Out and a "Do Not Block" box, O-11 is the Edgewater site and has both better circulation and separation, O-12 is the Maple Shade site which has "no left turns" and good circulation. These other sites are larger with better circulation, access and parking.

Ch. Goldschmidt asked if he thinks this location is too small? He also asked if he analyzed the 7/11 or Quick Chek sites?

Mr. Klein replied this is a different site layout than the others and has tighter circulation. He did not look at the other sites in the township.

Due to the hour, the application was adjourned to August 22, 2018 without further notice and the meeting was adjourned at 10:40 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator