

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF AUGUST 22, 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, Michael Jozefczyk, Tim Parker, Richard LaRuffa, Michael Sylvester and Wilbur Goldschmidt

Members Absent: Kenneth Laury and Randy Burke

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

SCHEDULED APPLICATIONS:

WAWA # 3-18

ROUTE 517& ROUTE 181

MINUTES APPROVED:

Mr. LaRuffa made a motion to approve the minutes of August 8, 2018. Dr. Parker seconded the motion and the roll was as follows:

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

RESOLUTION MEMORIALIZED:

Mr. Makowitz made a motion to memorialize the resolution grating Bulk C variances to Ian Weintraub # 5-18 to construct a new three story home relating to Block 3028 Lot 5 subject to the conditions specified. Dr. Parker seconded the motion and the roll was as follows:

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

PUBLIC HEARING:

WAWA # 3-18

ROUTE 517

Debra Nicholson represented the Applicant for the continuation of the hearing for Wawa. She explained that there is one more witness to testify for the Applicant and they will reserve the decision for a vote on the Use and Preliminary Site plan until later.

Christopher Erd representing the Objector, 85 Sparta Ave. LLC came forward and stated that they will continue with the cross examination of their Traffic Expert.

Ms. Nicholson asked several questions of Lee Klein, the Traffic Expert who was previously qualified and testified at the last hearing on his testimony. She asked if he considered the “Do Not Block the Box” in his traffic analysis, if the Level of Service is an indication of safety and if he did any studies relating to safety? She also asked who retained his services?

Mr. Klein replied that he did not consider the “Do Not Block Box” in his analysis. The Level of Service does not necessarily affect the safety but it does cause driver frustration when waiting. He did not do any other studies and relied on the Manual for Traffic Counts in his analysis. The owner of the 7/11 –Shell, Waseem Shell retained him.

Ms. Nicholson also asked if the Shell station is within 200 foot of the subject property, how many oversized parking spaces are at the Shell station and if he observed the fueling process at that station to see which side of the truck unloads the fuel?

Mr. Klein replied he is not sure if it is within 200 feet, he doesn’t know if there are any oversized spaces and he is not sure which side of the truck the fuel is off loaded from

Ms. Nicholson asked questions regarding Exhibits O-3 and O-4 and his analysis of the traffic peak times, whether he visited the other Wawa sites he referred to in his exhibit and if he did any observations in Sparta including other left hand turns with similar situations as part of his analysis?

Mr. Klein explained the information on the exhibits and stated that he did not visit the other Wawa sites but looked at the traffic count data provided. He did not do any other site observations in Sparta.

Mr. LaRuffa asked if he has seen other “Do Not Block Box” features at any commercial sites?

Mr. Klein stated he has not seen any in Sussex County and Morris County doesn’t allow them.

Mr. Simmons explained that there is one on 206 in Newton at the Mills Street/Trinity Street corner.

Mr. Sylvester asked Mr. Simmons if the delay time testified to for making a left turn can be supported with stacking on the site?

Mr. Simmons confirmed that the Applicant’s site has sufficient room to stack vehicles waiting to make a left turn and also the two traffic lights at the Route 181 intersection and the Town Center Drive intersection will provide sufficient gaps in the traffic for making left turns.

The questioning was opened to the public.

Steve Scro, the owner of the Mohawk House came forward and asked a question regarding the wait time for left hand turns as testified by Mr. Klein. He stated that in 14 years of business, he has not observed or experienced that wait time from his driveway.

Mr. Klein explained that he analyzed the proposed driveway as a 4 way “T” intersection and it shows that the left turn from Wawa will have a 5 minute wait with 5 vehicles stacked. He based it on 2 vehicles exiting from the Mohawk House during the peak PM hour.

Matthew Seckler, the Traffic Expert from Stonefield Engineering testified on behalf of the Applicant. He submitted the Supplemental Report dated Aug. 8, 2018 which includes his rebuttal to the Objectors Engineer’s findings and also provides the information requested by the Board. He reviewed the data and indicated that the counts were done on March 20, 2018 and were compared to the counts at the Shell 7/11 and Quick Chek sites. They also observed the traffic on July 31st from 5-6 PM at the Ocean State driveway and on Sat. Aug. 4, 2018 at Town Center Drive from 11:30 to 1:30 and looked at turning vehicles as well as the gaps in traffic. On Aug. 6 they did counts at Newton-Sparta Road and Sussex Mills Road which is one the most heavily trafficked roads in the County. They found that to make left and right turns from Route 181, there is a 5 to 5.5 second acceptance wait time in response to the Objectors findings of 7 seconds using the national data. They separated out the right and left turns and did the calculations twice for each direction turning. The counts are done at varying hours of the day with fair weather conditions. Some were done during school hours in March and some during the summer. Based on the actual counts in Sparta and the National data accepted by the Industry, the level of service remains a “C” and not the “F” the objectors study referenced. Additionally, to address the comparison exhibit the Objector’s Expert referenced, Wawa designs their sites specific to the topography of each location and is not a one size fits all design. The other sites were on divided highway locations and were not based on local data and traffic counts.

Mr. Jozefczyk asked if he found other sites with “Do Not Block Boxes”?

Mr. Seckler replied he hasn’t found one in Sussex County, but there are others in Union County and Franklin Lakes. He has met with the County Engineer and they will review the proposed box and also have no issues with modifying the shoulder for a deceleration lane to slow down cars turning right into the site. They will provide the plan to the County for their approval. In response to questions regarding the number of lanes, Mr. Seckler explained that the deceleration lane will not be striped and the two left turn lanes line up together so there are two thru lanes. He drew an exhibit that would show the intersection of the two driveways and the number of lanes including the deceleration lane that will end just before the Wawa driveway. This was marked as Exhibit A-9.

The Board discussed this further and Ms. Paternastro reminded the Board that their jurisdiction is on-site only and not the County road or shoulder.

An additional exhibit was submitted as Exhibit A-8 entitled “Pedestrian Crossing Exhibit” by Stonefield Engineering dated 8/21/18. He reviewed the cross connection and access driveway to the Captiva site with a red outline showing the bus route and the bus stop on Lewis Lane. This was presented to address the Board’s concerns of children coming from the apartments down the combined driveway to the crosswalk. Any parking by parents would be on Lewis Lane at the bus stop and not on the driveway. There are no bus stops on the State Highway and this was verified with the Board of Education. The same routes are used in the AM and the PM.

The hearing was opened to questioning of Mr. Seckler.

Mr. Erd came forward and asked several questions regarding the “gap” times at the driveways and the wait times. He also asked if the traffic volumes will increase on the busiest road in the County?

Mr. Seckler reviewed the Gap Acceptance Study in his report and stated that they did an average from the three sites they observed. Most of the traffic is pass-by traffic and a minimal increase of less than 2% can be expected.

At this time the Board recessed and reconvened at 9:05 PM.

Ms. Nicholson advised that the Planner will present his testimony but will not address the off premise sign and they will defer that until the final site plan.

Michael Tobia P.P. who was previously sworn and qualified by the Board, presented a 13 slide Power Point Presentation which was marked as Exhibit A-10. He reviewed the site location on slide 2, of the vacant, wooded lot on Route 517 across from the Mohawk House driveway, and explained that there is no benefit to a vacant lot in a Town Center since there is no commercial activity and no tax rate-able for the property. Slide 4 depicts the proposed site plan for the Wawa which includes the convenience store and gas station. The convenience store is a permitted use in the zone and the service station requires a use variance. An impervious coverage variance is requested for 56.5% that includes the driveway, parking and the additional coverage for the connection to the Captiva driveway to Route 181. Slide 5 indicates the combined plan for both site, however the application are independent of each other. Slide 6 depicts the renderings of the building and canopy with architecture that mimics the Mohawk House design. Two Aerial photos were reviewed with a red dot indicating the site which is ideally suited for traffic on Route 517 going to Route 15 and the second driveway to Route 181 which makes it a perfect location for the use. He reviewed the Master Plan Amendment for the Town Center which is 20 years old and prohibited new service stations, however the old service stations consisted of tow trucks, old cars, overhead garage doors, stacks of tires, oil changes and storage yards. The use has been changed from towing and car repairs to entirely a retail use with the convenience store and retail fuel sales. There are no homes nearby and no impacts to the residential zones with the nearest one over 350 feet away. The Town Center goals were to improve access and circulation with inter-connected parking lots and requiring commercial buildings to have a residential appearance. The adjacent lot is vacant Open Space that will never be developed and the architecture has been design to meet all the design features and guidelines for the zone. The Traffic increase is one trip per minute and not a substantial detriment but a minor increase. The site will meet all the setbacks for the TCC Zone and the lot is 6.5 times larger than the minimum lot size. The proposed signs and sign chart indicate that the revised sign plan is under the “sign budget” with the freestanding sign at 40 square feet and 18 foot in height, where 93 square feet is permitted, and the 3 sq. foot directional signs which are exempt from the budget and the façade sign of 34 sq. feet for a total of 74 square feet. They will come back for the off-site sign for Sparta Avenue, but the original proposal was for 139 sq. feet.

Dr. Parker asked that the building number be added to the building.

Ms. Nicholson agreed. She explained that they have not counted the “Welcome to Sparta Town Center” sign since it was requested by the Town Manager and Officials and is not advertising. They agreed to request and pay for it if the Board wants it.

Ms. Paternastro-Pfister stated that since it is not advertising, it may not require a variance.

The Board discussed this and Ch. Goldschmidt stated that it would count in the “sign bank” and a variance is required for it.

Ms. Nicholson stated if the Board requires the variance, they will withdraw it.

Mr. Tobia stated they will withdraw it and continued with his planning testimony on the goals of the Municipal Land Use Law including; A, C, G, I and M. The landscape buffer has been increased to 13 feet and the streetscape improvements will connect from the corner of Route 181 across the site with the pavers, light poles, benches and receptacles to match the existing ones on Main Street and Sparta Avenue. The improved site will provide new jobs in the core area of the town with a gateway location to Route 15 and compliment the Town Center.

Mr. Simmons was asked if all the comments in his report were addressed specifically regarding the drainage.

Mr. Simmons explained that he has reviewed the design plan and the letter from Dykstra – Walker dated 8/15/18 and is satisfied with the design and the commitment that the two sites will work together on the design of the drainage and utilities.

The hearing was opened to the public for questions.

Christopher Erd, representing the 7/11/Shell came forward and asked Mr. Tobia questions on his testimony regarding the particularly suited criteria and whether a “cut through” is an acceptable condition? He also asked if the distance to the Captiva residential project is a negative impact and if he could review the specific goals under the MLUL?

Mr. Tobia explained that the Master Plan encourages interconnectivity between lots and properties. The owners of Captiva see the Wawa as an asset for the residents to walk to and do not see it as a conflict. He reviewed the goals stating that for goal A, it encourages commercial uses in the Town Center and this site was approved for a 60,000 square foot supermarket in 2008 which was never built, under goal C regarding providing light and open space, they meet all the setbacks, under “I” for a desirable visual environment, the building looks like a house with stone, clapboard and all residential features and under “M” to encourage a more efficient use of land, a vacant lot is a waste in a commercial zone and is an inefficient use of the land.

Steve Scro, the owner of the Mohawk House came forward and stated that he has been looking forward to development on the bypass since his business is the only one in 14 years. He was encouraged with the potential retail development since it helps the Town and brings good things, but nothing else has been built in this area. He has never seen an accident at his driveway and looks forward to the commercial neighbors that will bring good things to the town.

At this time, Mr. Erd asked his witness to testify.

Michael J. Pessolano P.P. of Bogota, NJ was sworn in to testify. He is a licensed Professional Planner since 1984 with his experience divided between Municipal Planner and Consultant. He is a Board Planner for ½ dozen towns and has appeared as an expert witness before numerous Boards including Lafayette and Vernon. He reviewed the Town Center Master Plan and the subject application. He heard the Planning testimony but does not think the architecture looks like a home since no one has a canopy in their front yard and he has concerns with the shared driveway.

Due to the late hour, the application was carried to Sept. 26, 2018 and the date of action extended to November 10, 2018.

With no further business, the meeting was adjourned at 10:35 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator