

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF AUGUST 8, 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, and Wilbur Goldschmidt

Members Absent: Kenneth Laury, Randy Burke and Michael Sylvester

Others Present: Christopher Quinn Esq.
David Simmons, P.E.
David Manhardt, P.P.
Maureen R. Donnelly, Zoning Officer

**SCHEDULED APPLICATIONS:
JAMES MALARO # 11-18
CAPTIVA LIFESTYLES # 8-18**

MINUTES APPROVED:

Dr. Parker made a motion to approve the minutes of July 25, 2018. Mr. LaRuffa seconded the motion and the roll was as follows:

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

PUBLIC HEARING:

**JAMES MALARO # 11-18
637 LAFAYETTE ROAD**

William Askin of the firm Askin & Hooker represented the Applicant for an amendment to a prior approval to add a spray booth service for the classic car restoration. The unit is self-contained and will be constructed inside the garage. Mr. Askin reviewed the two prior approvals which included a 2012 Use variance for an auto repair business and the addition in 2016 of a three car garage. The Applicant testified during the prior hearing that there is already a classic car restoration use and the building would not have a spray booth so they have applied for an amendment.

James Malaro, Sr. of Sparta, James Malaro, Jr. of Sparta and Gary Scro of Hamburg were sworn in to testify.

Mr. Malaro, Sr. explained that the business has become successful and the classic car restoration includes some spray painting but they currently send it out for painting, but since it places time constraints on the job, they would like to do it “in house”. The materials are purchased from a National company that is UL certified and also has additional certifications

that includes “fail safe” measures such as automatic door closures, exhaust fans and additional safety measures. He further explained that the shop follows all regulations and safety precautions in all aspects of their business.

Chairman Goldschmidt asked if they have reviewed all the reports from the staff?

Mr. Askin replied yes and stated that the Fire Marshall had no issues and they have prepared a response memo to the other reports which was marked as Exhibit A-1.

Mr. Malaro reviewed the responses to the Environmental Commission Report stating that for item # 1, the storing of paint is done in a fire protected mixing room with a tinting rack system. There is an air exchange system and all waste disposal is stored in a steel container and disposed of by All American Environmental Company, who is certified by NJDEP. To address item #2, regarding the amount of paint spraying, they don't spray whole cars but do small parts for the restoration and then assemble them, doing only 5 to 6 vehicles a year so their volume of material is much less than the ½ gallon and can provide the exemption from DEP.

Ch. Goldschmidt asked if he will comply with all the regulations?

Mr. Malaro replied yes.

Mr. LaRuffa asked if the mixing room is in the spray booth?

Mr. Malaro replied no, they are separate rooms. In regards to the types of paint, the Paint Company supplies the tinting colors and they are mixed for each job.

Mr. Scro explained that they use a polyester based paint that is reduced to a one to one mix by the ounce and the remainder is capped so it can be given to the customer for touch ups. The waste will harden and can be disposed of. The rooms are vented for air quality and a Letter of Compliance is provided from Standard Tool & Equipment. He stated that all spray booths must recover 98% of the exhaust in filters.

Mr. Askin referred to Mr. Simmons report regarding the location of the booth and submitted a site plan with the location of the booth drawn on the as-built plan, which was marked as Exhibit A-2. He explained that they will submit the full Construction plans with the permits.

Mr. Simmons confirmed that the testimony has addressed his comments and the compliance with the codes will be under the Construction Official and the Fire Marshall.

Mr. Jozefczyk asked if there is generator back up for the fans to run 24/7?

Mr. Malaro stated there is no generator but he will discuss this with the Supplier and comply with his recommendations.

Mr. Askin stated they will agree to obtain all the other approvals that are required.

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

Dr. Parker made a motion to approve an Amendment to the prior Site Plan and Use variance to permit a Paint Spray Booth in the existing garage according to the plans and testimony provided. The approval is subject to Mr. Simmons report and the prior conditions from the prior resolutions. Mr. Molski seconded the motion and the roll was as follows:

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

CAPTIVA LIFESTYLES # 8-18
53A SPARTA AVENUE

Sean McGowan represented the Applicant for the continuation of the application for a 70 unit apartment building. This is their third meeting and at the last hearing they started the testimony of the Traffic Engineer. Revised plans were submitted to remove the gates and add the “speed table”.

Paul Going of Atlantic Traffic, who was previously sworn in to testify, reviewed the testimony regarding the trip generations and explained that the book used for the estimates is the ITE which is a published book last updated in September, 2017. He stated that the question was regarding “Urban settings” and of the 3 categories provided, he used General Urban/Suburban section and read some of the criteria including bus and rail transit option. This is the appropriate setting for Sparta and he also looked at the 2010 census data regarding means of transportation to work including driving alone, carpools and bus. The data for Sparta indicates that 81% drive alone, 6% carpool, 4% use the bus, 1% use the train and 7% work from home. The data was used for the areas around Lake Mohawk and the subject area. Based on the information, he is confident that the 26 weekday trips projected and the 36 Saturday peak mid-day trips are appropriate for the 70 multi-family units. The estimate is that one car will enter or exit every 2 minutes which is well below the threshold of 100 peak hour trips and is 3 to 4 times more than from this site. The NJDOT has jurisdiction over the access driveway and the Township has a jurisdictional agreement for the streetscape improvements. A new access permit is not required and the DOT has issued a letter of “No Interest” which is dated 5/9/18 and marked as Exhibit A-11.

Mr. Molski asked if there are other source books used by Traffic Engineers?

Mr. Going stated the State publishes their own rates for some uses, but the ITE is the only manual.

Ch. Goldschmidt asked if the assumption of trips is based on the number of bedrooms per unit or other breakdown?

Mr. Going stated the number of bedrooms does not matter since the category is a “mid rise, Multi-Family residence and the data is collected at numerous locations for the analysis with most buildings being a mix of one, two and three bedroom units. The number of bedrooms is not considered in a traffic study.

Mr. McGowan stated that second floor residential is a permitted use in this zone and asked if they estimated traffic for alternate uses in the zone?

Mr. Going stated that Dykstra-Walker Engineers had presented projections for the commercial development in a prior application that included retail, restaurant and apartments above which were calculated at more than the 100 trip generation. These are all permitted uses which indicate that the zoning ordinances anticipated permitted uses with more intense trips. In addition, when comparing 70 single family homes which are the most intense residential use category, the ITE trip generations would be 54 trips in the AM peak hour versus the 26 trips for 70 apartments. Based on his experience and the data, the project will not have a negative impact on the traffic.

Mr. LaRuffa asked if they performed an analysis of the 517 access? He also asked if they considered school bus traffic for the children coming from the apartments to the bus stop at Lewis Lane? His concern is parked cars on the driveway.

Mr. Going replied, they did not since it is not their access way and is by cross easement only which is not necessary for our site. They have reviewed the 5/9/18 Traffic Study by Stonefield Engineering for the proposed Wawa site and it is consistent with his report. The future conditions assign 1/3 of their traffic to the Sparta Avenue access which would increase the trips by 5 in the AM peak hours. The level of service analysis was a Level "C" on our driveway during the AM and PM peak hours which is an acceptable level of service. In regards to the school age children, the Planner will address that however there is a crosswalk from the bank to the existing bus stop and they would anticipate a very low volume of parked cars on the driveway.

Mr. Molski asked if the trip generation considers delivery trucks and other service vehicles?

Mr. Going replied yes, all vehicles are included in the traffic counts and the identification sign at Sparta Avenue is necessary to identify the site for deliveries and emergency vehicles. He further explained that they are RSIS compliant for parking space size and aisle widths. In addition, the spaces in the garage are larger than most standard parking garages.

The questioning for Mr. Going was opened to the public. No comments were heard.

Mr. Simmons referred to Item 4, c in his June 19, 2018 report where the ordinance requires two separate means of ingress/egress when there are more than 120 parking spaces. He asked what the timing is for the future driveway connection?

Mr. Going stated they do not propose to construct the second access to Route 517 and since the parking is separated into two areas with the garage spaces and the outdoor spaces, each one is under 120. If the Wawa is not developed, a future development could construct the interconnection.

Mark Gimigliano P.E. of Dykstra Walker, who was previously sworn in to testify explained that the RSIS standards for a Multi-family access roadway govern and if there are less than 1,000 trips per day, one means of access is required. The project is designed for residential access and has a cul-de-sac for turnarounds.

The Board discussed this and Mr. Simmons agreed with the testimony since once you go up the driveway there are two accesses to enter and the separate parking areas do address the

ordinance requirements. The RSIS is for a residential use but the commercial traffic from the adjacent site will require upgrades to the driveway and the drainage should be designed for both uses.

Mr. McGowan stated that both parties are working together, however two shopping centers were previously contemplated with one parking lot which is not the current situation. They may have to modify the cross easements again and will make it work.

The Board took a ten minute recess at this time and reconvened at 9:18 PM.

Michael Tobia P.P. who was previously sworn in to testify, presented a visual presentation marked as Exhibit A-12, which was modified from the Power Point presentation from 6/26/18 and updated on 8/8/18. The slide shows the building rendering on the photo taken from Sparta Avenue and super-imposed behind the Burger King. It shows the driveway from Sparta Avenue and the 60 to 70 foot trees long the rear of the bank and retail strip mail that will remain after the construction since most of these trees are on the other lots. The building can be seen and it has been designed in the traditional architecture style to fit in with the Town Center.

Ch. Goldschmidt asked if all the screening is located on other properties?

Mr. Tobia replied yes the trees shown are on other lots.

Mr. LaRuffa asked if there is a night rendering from Sparta Avenue to view the impacts of the lights from the site?

Mr. Tobia referred to slide 8 which shows the night rendering of the building and explained that there will be lights seen from the building, but they are a significant distance from Sparta Avenue and will be screened by the trees. He referred to the Landscape Plan which indicates that 164 trees will be planted to provide some screening on their property. Slide 12 shows the revised Site layout plan with the gates removed and a speed table added on the driveway to address the Board's concerns. It also shows the new sidewalk added around the building to the crosswalk and to the main sidewalk. This was added at the recommendation of Mr. Manhardt. Slide 13 shows the merged site plan for the two properties together. Slide 15 depicts the old nursing home ruins on the lot currently with old walls full of graffiti, remains of the old concrete parking lot, trees stumps, cans, old beams, tires and other dumped materials. He stated that the worse thing for a Town Center Zone is a vacant lot that has become a dumping ground in the center of town. The proposed project will beautify the site with a productive use. Slide 18 shows the view overlooking the Stop & Shop which will be beautiful from the apartment building and the outdoor pergola area across the 16.8 acres of Township open space.

Dr. Parker asked what the difference in elevation will be from this site to the Wawa site?

Mr. Tobia explained that the Engineer will address the grades after construction, but the grade will slope down to Sparta Avenue. Slide 19 shows the aerial photo of the remains of the Valley View site in its dilapidated condition. He explained that a Use variance is requested since this is a unique site with a 24 foot driveway to the land locked parcel which

is not conducive to retail uses since all the retail buildings are in the front and it has no visibility from the road. The prior Planning Board approval for the retail uses never got built because of the lack of visibility and it meets the particularly suited criteria for a residential use since it is quiet but still easy to walk down to the businesses. The setback from Burger King is 260 feet where the zone requires a 10 foot side yard setback. It is 260 feet from the strip mall and the zone has a 25 foot rear yard setback and it is 200 feet from Route 517 which provides plenty of room for a large building.

Mr. Molski asked what the distance will be from the Wawa building?

Mr. Tobia estimated 100 to 150 feet and stated the ordinance requirement would be 60 feet. It is also over 800 feet from the Stop & Shop over an open space lot and the cemetery is adjacent to the rear. The nearest single family home is on Lewis Lane and over 700 feet away. Under the test criteria for suitability, the site is remarkably different and suited for the use and the building with walk-able and bicycle access meets the particularly suited test. The architectural design meets the ordinance requirements for the Town Center Commercial zone and will enhance and maintain economic viability by adding residential density to the business district which is a goal of the zone to increase density and support the business community.

Mr. McGowan asked if he could address the market demands since the market crash of 2008?

Mr. Tobia explained that 95% of his work in the past 10 years has been for premium residential rental buildings. The single family homes and townhomes have stopped since 2008 and it will appeal to the “Millennial” group as well as the “Baby boomer” group have been downsizing but want to stay in their towns. Both of these groups have driven the marketplace as well as the large foreclosure impacts. In addition companies such as Thor Labs are expanding with 300 new jobs in Newton and those employees will come here. The Senior population who are not ready for assisted living will come here since the units are barrier free with elevators and there is no maintenance required, so they can remain close to their families. Mr. Tobia presented testimony on the height variance for 61.5 feet and 4 stories by referring to case law that governs the reasons why height is controlled including; blocking light and air between properties and stated that they have extreme separations on this site and although you will see the building it is not the same as the Stop & Shop or Town Hall where they are close to the road. To address the impervious coverage variance for 74%, he referred to the site plan on slide 20 with the long driveway and loop road with visitor parking spaces that increase the coverage. The state of the art drainage system does address that and the one setback variance of 19 feet for the rear yard is along the open space lot and no other buildings can be built there. He referred to Mr. Manhardt’s report and his comment regarding the purposes of zoning and reviewed the goals including “C” to provide adequate air, light and open space which they exceed. To address Goal “G” to provide sufficient space for residential uses, there is a need for this type of use to diversify the housing stock and under Goal “M” to promote a more efficient use of the land, the property is not promoting anything currently. There is no substantial detriment to the public good or the zone plan and no negative impacts on traffic since they meet the parking standards and will not impact the neighbors. The project will support the businesses and promotes the intent of the Town Center.

Mr. Manhardt provided his comments stating that in meeting the positive criteria, the increase in residential density has been discussed by the Planning Board and recently they looked at the R-4 Zone and ways to increase the residential density. The Master Plan contemplated mixed use buildings, and this does increase a mix of uses in the Town Center. As far as the negative criteria, the Board should consider intensity, traffic and the setbacks. The landscape and screening can be addressed with mature tree heights and in regards to the impervious coverage, the Planning Board has been considering increasing the coverage in the Town Center since this zone is typically higher with 70% not uncommon. The Board did increase it last year for the new TCMSB Zone that replaced the R-4 Zone.

Mr. LaRuffa expressed safety concerns with the intensity of the adjacent proposed commercial development traffic on the driveway and the projected number of children in the apartments that could be walking to the bus stop. He also asked how the two signs will work on the driveway without causing confusion?

Mr. Manhardt stated that the Board should consider the pedestrian and sidewalk access on the site. He also suggested the Applicant contact the School Board for information on the busing.

Mr. Tobia referred to the Rutgers Planning Study which found that single family homes are the largest contributors to school age children and not apartments since they are not suited for families based on the number of bedrooms. The estimate for the 60 market units is 6 to 7 kids and in the Affordable units it is 7 to 8 kids for a total under 15. There are only (3) three bedroom units that are affordable units and the others are all one and two bedrooms.

The Board discussed the impacts for the two projects further and Mr. McGowan stated that the application proposed is for the apartments only and the intensity is not for both applications. Each site can stand on its own and if both are approved they will work together but they cannot control what is approved on the adjacent property. They are looking at re-designing the two identification signs at Sparta Avenue into one joint sign and will provide that to the Board if agreed upon. He will provide the summation at the next meeting and answer any outstanding questions.

Ch. Goldschmidt asked Mr. Manhardt if he has any other comments.

Mr. Manhardt stated that he is satisfied with the Planning testimony provided and any additional review comments could be provided in a memo. Mr. Simmons can also review the landscape plan.

The application was adjourned to September 26, 2018 and the date of action was extended to 10/31/18. With no further business, the meeting was adjourned at 10:39 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator