

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF SEPT. 12, 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, Tim Parker, Richard LaRuffa, Michael Sylvester and Wilbur Goldschmidt

Members Absent: Kenneth Laury, Thomas Molski and Randy Burke

Others Present: Christopher Quinn, Esq.
Maureen R. Donnelly, Zoning Officer

SCHEDULED APPLICATIONS:

MICHAEL MOUGHRABIE # 12-18

MARJORIE REEDY/GRR GROUP LLC # 14-18

STEVEN BABAT # 16-18

WILLIAM DEVITO # 17-18

MINUTES APPROVED:

Dr. Parker made a motion to approve the minutes of August 22, 2018. Mr. LaRuffa seconded the motion and the roll was as follows:

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

PUBLIC HEARING:

Chairman Goldschmidt announced that the application for Michael Moughrabie will be rescheduled due to a notice issue.

MARJORIE REEDY/GRR GROUP LLC # 14-18

111 SPRINGBROOK TRAIL

William Askin of the firm Askin & Hooker, represented the Applicant for a variance to enlarge a pre-existing, non-conforming deck in the front yard. The existing deck steps will be removed and a 12 foot deck expansion with new steps to the driveway added that will be further away from Springbrook Trail.

Marjorie Reedy of Livingston, NJ and Tim Peterson, the Contractor from Hope, NJ were sworn in to testify.

Mr. Peterson is a licensed Contractor and prepared the plans for the deck. He explained that the extension comes out 9 feet from the home and will not be closer to the road.

Ch. Goldschmidt asked if he marked the deck on the survey?

Mr. Peterson replied yes.

Mr. LaRuffa questioned the marking of the survey and the Zoning Officer confirmed that this is the common practice in residential applications and setbacks are confirmed in the office.

Ch. Goldschmidt asked for a description of the plans.

Mr. Peterson explained that the existing deck stairs will be removed and the new extension will line up with the existing deck for a consistent setback. The construction will meet all building codes.

Mr. Makowitz asked if the deck is being doubled in size and what the square footage is? He also asked if the concrete pad is being removed?

Mr. Peterson stated it is a 40 to 45% increase and the purpose is to get the stairs on the other side of the garage since the door is underneath and it is a slippery, dangerous situation. The landing is being removed and a new landing pad will be at the bottom of the new stairs.

Ch. Goldschmidt asked that he mark up the survey to illustrate the changes. He also asked what will be in place of the removed area?

Ms. Reedy stated they will landscape the area with mulch and some plantings.

Mr. Jozefczyk asked why just the stairs cannot be replaced?

Mr. Peterson explained there is no other way to change them to address the steepness and relocating them for a safer access is the best. This is the only direction they can go without building a bridge over the driveway and there is an existing retaining wall in the way. He marked up the survey which was marked as Exhibit A-1 and described the deck plans showing the connection to the house. The garage door has a narrow opening and the posts will have to cut through the asphalt.

Dr. Parker asked what the materials will be and if the deck will be covered? He also asked if the color will match the existing deck?

Mr. Peterson replied it will be pressure treated lumber and will not be covered.

Ms. Reedy stated the color will match the existing deck.

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

Dr. Parker made a motion to approve a variance for an expansion of a deck and stairs in the front yard according to the plans and testimony provided. The existing stairs will be removed and the area landscaped. The deck will not be covered and will match the existing one. Mr. LaRuffa seconded the motion and the roll was as follows:

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

Mr. Askin requested a waiver of the written resolution.

Dr. Parker made a motion for the waiver. Mr. La Ruffa seconded the motion and all voted in favor.

STEVEN BABAT # 16-18
264 EAST SHORE TRAIL

William Askin represented the Applicant for an impervious coverage variance for an older home that had fallen in to disrepair and was recently renovated after being purchased by the Applicant a year ago. The Applicant received zoning and building permits for the renovations with an impervious coverage calculation of 24.3% submitted by the Architect and no variances were required. A final As-built was submitted after completion of the construction and the coverage was calculated at 27.3% and the Applicant has been unable to get a C.O. for the home due to the discrepancy. A copy of the As-built was marked as Exhibit A-1.

Steven Babat, the Applicant and James Eskin of Newton, the General Contractor were sworn in to testify.

Mr. Eskin explained that the original plan by the Architect included removing an old wall and steps and removal of portions of the old driveway. The home met all the required setbacks however due to the water going across the property to the lake they had to install a new retaining wall and thought with the removal of the driveway, the coverage would be ok. The driveway plan didn't leave sufficient room to back out of the third garage and they also had to add some pavement.

Ch. Goldschmidt asked how this differs from the approved plan?

Mr. Babat explained that the house was built exactly as the plan but the rear retaining wall was extended further and they took out more coverage than added. He is looking for a variance for the additional coverage of 2% and has photos of all the properties up and down the street that have more coverage since his lot is the largest.

The Board discussed this and Dr. Parker stated that he was on the property and it was very wet from the steps to the front door. He would recommend that a walkway be added.

Mr. Babat explained the original house had a walkway but they took it out to lower the coverage.

Ch. Goldschmidt recommended a recess to allow the Applicant to calculate a walkway.

The Board took a five minute recess and reconvened at 8:25 PM.

Mr. Askin submitted five from a series of 18 photos marked as Exhibit A-2 to A-5.

Mr. Babat stated the additional coverage for a walkway to the door would be 114 square feet or .7% for a total of 28% coverage. He amended the variance request to 28%. He reviewed the photos and described them as A-2 showing the rear lawn of the property, A-3 is the

driveway and new wall, A-4 is the wall to replace the old railroad tie wall and A-5 is the view of the property and the front lawn area near the driveway and front wall.

The Architect's calculation that submitted with the Zoning permit was marked as Exhibit A-6 and it is inconsistent with the As-built survey since there was 62 feet of asphalt with an old boat launch with the driveway going all the way to the lake that was removed.

The hearing was opened to the public for comments.

Ron Beard of 270 East Shore Trail came forward and was sworn in. He explained that he lives two doors down and the home was in bad shape on the interior before but not the exterior. He feels that it hurts the lake to give variances for mistakes when they were aware of them and is not in favor of the variance.

Megan Ward of the firm Kelly & Ward came forward. She is representing Lake Mohawk County Club and stated that the property owner did not go through the review process with them beforehand. She asked what the dimensions of the additional walkway will be?

Mr. Eskin stated the walkway will be 3 feet wide by 38 feet long for 114 square feet.

Ms. Ward explained they are not concerned with the runoff from the house but from the driveway. They would request some mitigation for the runoff to the lake since the Club is focusing on water quality of the lake and requesting measures to ensure that.

Ch. Goldschmidt asked if there is a review procedure in place and if it is prior to construction?

Ms. Ward explained that the bylaws of LMCC and the Club Plan Agreement have requirements for review of lakefront improvements. They are stepping up the reviews due to the high turnover of properties in the lake.

Mr. Babat stated he was unaware of the review process.

Mr. Eskin stated that he has 30 years of experience in building around the lake and understands the protections of the lake. Approximately 60 x 8 feet of driveway was removed and they added the wall to prevent water from entering the lake. He can guarantee that the runoff was reduced by 50%.

Ms. Ward asked that their Engineer testify.

Sabine Watson, P.E. of Sparta was sworn in to testify. She has been previously qualified by the Board and has testified before. She stated that they would like to work with the Applicant to address water quality issues due to the increase of the driveway with such mitigation practices as a rain garden or dry well.

Mr. Babat stated that the old sea wall was torn down and he added curbing to improve the situation since the runoff is coming from the road to his property.

Ms. Ward requested the Board require a condition that the Applicant work with the Club on this.

Ch. Goldschmidt stated that this appears to be a separate issue from the application but it would make sense for the parties to work together.

With no further discussion, Dr. Parker made a motion to approve a 3% impervious coverage variance according to the As-built plan submitted and the addition of a 114 sq. foot walkway from the new steps to the front porch according to the testimony provided. Mr. LaRuffa seconded the motion and the roll was as follows:

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

Mr. Askin requested a waiver of the written resolution.

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

**WILLIAM DEVITO # 17-18
84 WARREN ROAD**

William DeVito was sworn in to testify. He explained the rear yard setback variance request for a new deck that will be 16x12 feet and will extend off the second floor of the home. The requirement is 65 feet and there is an existing first floor deck that is 54 feet from the property line and the proposed deck will be 52 feet. The existing deck is 32x18 feet but is not very functional since it is located off the family room on the lower level and the kitchen is upstairs. He submitted 4 photos of the property which were marked as Exhibit A-1 through A-4. The photos depict other second floor decks in the neighborhood. A-1 is a photo of the existing deck, A-2 is the next door neighbor's second floor deck, A-3 is the neighbor on the other side who also has a second floor deck and A-4 is a home on Green Apple Road with a second level deck. The photos indicate that this will fit in with the neighborhood.

Ch. Goldschmidt asked if the existing deck will remain?

Mr. DeVito explained that he will need to take down some of the lower deck for the new footings but would like to keep a portion of it.

The Board discussed this and Mr. LaRuffa asked if he could clarify what portion of the deck will be removed.

Mr. DeVito explained that he will remove at least 6 feet out to dig the new footings and also remove the existing stairs. He would like to keep a 6 foot portion at the house for a landing outside the sliding glass door but is unsure how much can be saved.

The Board discussed this and agreed that since the existing deck is grandfathered portions can remain at a setback less than the 54 feet.

Dr. Parker asked if there will be stairs from the top deck?

Mr. DeVito explained the configuration and referred to the deck plans for the new stairs.

Mr. Jozefczyk asked if the deck colors will be the same?

Mr. DeVito replied yes they will both be re-stained.
The hearing was opened to the public for comments.

Megan Ward came forward and stated that since the rear yard setback backs up to the Lake Reservation, they wanted to hear the testimony but since there are no impacts, they have no objections.

Dr. Parker asked if the deck will be covered?

Mr. DeVito replied no.

Dr. Parker made a motion to approve a rear yard setback variance for a second floor deck that will be 52 feet from the property line. A portion of the existing deck will remain but the setback will not exceed the existing 54 feet. The deck will not be covered and the two decks will be the same color. Mr. LaRuffa seconded the motion and the roll was as follows:

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

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

Mr. De Vito agreed.

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

With no further business, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Maureen R. Donnelly
Land Use Administrator