

June 27, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. Town Council Agenda - 06 27 2023

Documents:

[TC_AGENDA -06272023.PDF](#)

2. 23-12 Acquisition Ordinance

Documents:

[23-12 ACQUISITION ORDINANCE.PDF](#)

3. 23-13 Various Improvements Or Purposes

Documents:

[23-13 VARIOUS IMPROVEMENTS OR PURPOSES.PDF](#)

4. 23-14 Various Water Capital Improvements Or Purposes \$500,000

Documents:

[23-14 VARIOUS WATER CAPITAL IMPROVEMENTS OR PURPOSES.PDF](#)

5. 23-15 Sparta Final PCED Ordinance

Documents:

[23-15 SPARTA FINAL PCED ORDINANCE.PDF](#)



SPARTA TOWNSHIP COUNCIL

June 27, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, June 27, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council meeting begins at 6:30 pm. The Regular meeting begins at 7:30 pm.

All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on January 6, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

RESOLUTION

Open Public Meetings Act-Executive Session Motion _S_

SALUTE TO THE FLAG



PROCLAMATION

LGBTQ Pride Month – PFLAG-Sussex County

2. MINUTES

Regular Meeting Minutes -March 28, 2023

Regular Meeting Minutes -April 25, 2023

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

6. INTRODUCTION OF ORDINANCE

23-12 AUTHORIZATION OF THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN SPARTA TOWNSHIP-LIONS GATE

23-13 AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$2,500,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.



23-14 AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$500,000.00 FROM WATER CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS WATER CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

23-15 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED "COMPREHENSIVE LAND MANAGEMENT CODE" TO AMEND THE DEFINITIONS UNDER SECTION 18.2 AND TO AMEND PORTIONS OF SECTION 18-4.31A ENTITLED "PLANNED COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)"

7. HEARING OF ORDINANCE

none

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

9-1 Resolution Authorizing Refunds for Tax Overpayments

9-2 Resolution Authorizing the Tax Collector to Hold and Electronic Tax Sale for the Year 2023

9-3 ABC Renewals 2023 - 2024

9-4 One-Day ABC Social Affairs Permit –Sparta Benevolent Society



- 9-5 Resolution Authorizing Contract Change Order No.2 and Payment No. 5 for White Lake Fields with Tomco Construction, Inc.
- 9-6 Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation for the Main Street Improvements Project.
- 9-7 Professional Services Resolution – Associated Appraisal Group
- 10. **COUNCIL LIAISON' UPDATES**
- 11. **UNFINISHED BUSINESS**
- 12. **NEW BUSINESS**
- 13. **OPEN TO THE PUBLIC**
- 14. **ADJOURNMENT**



9-1 Resolution Authorizing Refunds for Tax Overpayments

BE IT RESOLVED BY THE Township Council of the Township of Sparta that the Tax Collector refunds the following tax over payment due to NJ Tax Court Judgment/Stipulation

BLOCK	LOT	ADDRESS	AMOUNT
3010	43	8 Green Apple Ct	\$2,924.53 (2015)

9-2 Resolution Authorizing the Tax Collector to Hold and Electronic Tax Sale for the Year 2023

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulation to be promulgated by the Director the Division of Local Government Services: and

WHEREAS, the Director to the Division of Local Government Services has promulgated rules and regulations for electronic tax sales: and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors and RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Township of Sparta wishes to participate in an electronic tax sale.

NOW THEREFORE BE IT RESOLVED, by the Town Council of the Township of Sparta, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services, if necessary.

9-3 ABC Renewals 2023-2024

BE IT RESOLVED by the Township Council of the Township of Sparta, that the following Alcoholic Beverage licenses be and are herewith approved and the Municipal Clerk is authorized to issue said licenses for the year July 1, 2023 to June 30, 2024:



1918-32-001-010	Sparta 908, LLC t/a Shoprite Wines & Spirits of Sparta 16 North Village Boulevard Sparta, NJ 07871
1918-33-010-010	Skyview Golf Course, LLC 226 Lafayette Road Sparta, NJ 07871
1918-32-017-004	Pino Sparta Enterprises LLC t/a Sparta Lanes 43 Theatre Center Sparta, NJ 07871
1918-31-018-001	Sparta Elks Lodge 2356 BPOE 6 West Shore Trail Sparta, NJ 07871
1918-33-012-005	Barjoet LLC t/a Village Saloon 712 Woodport Rd. Sparta, NJ 07871
1918-33-011-004	Lake Mohawk Country Club Inc. 21 The Boardwalk Sparta, NJ 07871
1918-32-014-005	BBT Management t/a Liquor Factory 41 Woodport Rd. Sparta, NJ 07871
1918-33-004-008	Branzak Enterprises LLC t/a Rock Island Lake Club LLC 485 Glen Road Sparta, NJ 07871
1918-33-007-006	Lake Mohawk Golf Club 471 West Shore Trail Sparta, NJ 07871



1918-32-016-003	SPECAC Corp t/a White Deer Inn 4 White Deer Plaza Sparta, NJ 07871
1918-31-021-001	William B Sanford Memorial Post #7248 66 Main Street Sparta, NJ 07871
1918-33-013-006	Island Services III LLC t/a The Mohawk House 3 Sparta Junction Sparta, NJ 07871
1918-33-005-017	Marswell Inc. t/a St. Moritz Grill and Bar 9 White Deer Place Sparta, NJ 07871
1918-32-009-003	Burke's Inc 6 Sparta Ave. Sparta, NJ 07871
1918-33-015-005	Fu's Mido Restaurant Inc. 227 Sparta Ave. Sparta, NJ 07871
1918-33-003-006	Summerlands II LLC t/a Kroghs Restaurant & Brew Pub 23 White Deer Plaza Sparta, NJ 07871
1918-33-008-014	Crane Restaurant Group LLC 1 Mohawk Lane Sparta, NJ 07821
1918-33-006-005	Industry Restaurant LLC 3 Sparta Junction Sparta, NJ 07871



1918-33-002-004

Homestead Restaurant Inc.
294 North Church Rd.
Sparta, NJ 07871

9-4 One-Day ABC Social Affairs Permit –Sparta Benevolent Society

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Sparta Benevolent Society for a social affairs permit for the Sparta Food Truck & Music Festival, August 5, 2023 from 11:00 a.m. to 7:00 p.m. at Station Park, 80 Station Road, Sparta, NJ 07871.

9-5 Resolution Authorizing Contract Change Order No.2 and Payment No. 5 for White Lake Fields with Tomco Construction, Inc.

WHEREAS, the Township of Sparta approved a contract with Tomco Construction, Inc. to construct the White Lake Fields project (the "Contract"). The approved contract cost was \$2,181,171.01; and

WHEREAS, Tomco Construction has requested a change order in the amount of \$145,050.63 for additional work that was required to comply with the plans plus some additional drainage that was needed to improve the project that was requested by the Township Engineer and as detailed in Change Order No.2 (the "Change Order"). The Township Engineer has reviewed and approved the Change Order; and

WHEREAS, Tomco Construction, Inc. has also submitted a request for Payment No. 5 attached in the amount of \$714,580.66. The Township Engineer has reviewed and approved the payment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta that the Change Order proposed by the Township Engineer in the amount of +\$145,050.63 is hereby approved; and

BE IT FURTHER RESOLVED the Interim Manager is authorized to sign the Change Order to be added to the account covering this project in accordance with the Township's standard payment policies; and



BE IT FURTHER RESOLVED that Payment No. 5 be made in the amount of \$714,580.66 to Tomco Construction, Inc., 22 Howard Blvd., Ste. 204, Mt. Arlington, NJ 07856 upon the Chief Financial Officer certifying that sufficient funds are available.

A copy of this Resolution shall be placed on file with the Clerk of the Township. This resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-6 Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation for the Main Street Improvements Project

WHEREAS, the Township of Sparta is requesting funding from the New Jersey Department of Transportation through the 2024 Municipal Aid Program for the completion of the Main Street Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Sparta formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “MA-2024-Main Street Improvements-00300” to the New Jersey Department of Transportation on behalf of the Township of Sparta.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Sparta and that their signature(s) constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

9-7 Professional Services Resolution – Associated Appraisal Group

WHEREAS, the Township of Sparta has need for the Professional Services of an appraisal service relating to added assessments for the 2023 tax year, and

WHEREAS, funds are available for this purpose; and



WHEREAS, N.J.S.A. 40A:11-1 et seq., the “Local Public Contracts Law” permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the award of contracts for Professional Services be publicly advertised and the contract itself is available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta hereby appoints Associated Appraisal Group, 17-17 Route 208 North, Suite 210, Fair Lawn, New Jersey rates as follows with an amount not to exceed \$5,000.00:

Class 2 Properties:

Decks, Porches, CAC, Siding/Windows, Bath/Kitchen Renovations, Finished Basement & all other misc.	\$50.00
Additions:	\$75.00
Additions over 1,000 SF:	\$90.00
New construction:	\$125.00
New construction over 5,000 SF:	\$150.00

Class 4A Properties:

Up to \$250,000 value added (improvement)	\$200.00
\$250,000 to \$500,000 value added:	\$250.00
\$500,000 to \$1,000,000 value added:	\$500.00
\$1,000,000 to \$5,000,000 value added:	\$750.00
over \$5,000,000:	\$1,000.00

Class 4B Properties:

Up to \$250,000 value added (improvement)	\$200.00
\$250,000 to \$500,000 value added:	\$250.00
\$500,000 to \$1,000,000 value added:	\$500.00
\$1,000,000 to \$5,000,000 value added:	\$750.00
over \$5,000,000:	\$1,000.00

Class 4C Properties:

4 to 8 units:	\$200.00
9 to 16 units:	\$275.00
17 to 32 units:	\$750.00



33 to 64 units:	\$1,000.00
over 64 units:	\$1,250.00
Class 15 Properties:	
All types:	\$150.00
Updates on permits in progress:	
All types:	\$25.00
Digital Photographs:	\$ 2.50 per line item

2. Political Contribution Disclosure: This contract has been awarded to Associated Appraisal Group based on the merits and abilities of Associated Appraisal Group to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Associated Appraisal Group, its subsidiaries, assigns, or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16 in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Sparta, County of Sussex if a member of that political party is serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Sparta, County of Sussex when the contract is awarded.

3. This Professional Service resolution will be published within ten days of its passage in the New Jersey Herald as required by law.

4. This Agreement is subject to final review and approval of the Township Manager and Township Attorney.”



**RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE
SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations
- d. Miscellaneous Legal Advice

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.

23-12
THE TOWNSHIP OF SPARTA
AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY
LOCATED IN THE TOWNSHIP OF SPARTA

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1 et seq.; and

WHEREAS, Lions Gate Partners LLC has offered to construct a required detention basin and convey at no charge to the Township its real property designated as 19 Celia Drive, Township of Sparta, Sussex County, State of New Jersey, and identified as Block 27006, Lot 5 (the “Property”) to the Township of Sparta. The Township Council has determined that it is in the interest of the Township to acquire the Property from Lions Gate Partners LLC for Township purposes; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

Section 1. The conveyance by Lions Gate Partners LLC of its Property known as 19 Celia Drive, Township of Sparta, Sussex County, State of New Jersey, and identified as Block 27006, Lot 5 (the “Property”) after Lions Gate Partners LLC constructs the required detention basis for public use is hereby accepted. The acquisition is subject to the Township and Lions Gate Partners LLC entering into a contract for the property transfer. The Mayor and Township Clerk are authorized to sign the contract upon the recommendation of the Township Manager and Township Attorney.

Section 2.

There is hereby appropriated the sum of \$4,500.00 for the costs and expenses for the acquisition of the Property.

Section 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law, however, if Lions Gate Partners LLC fails or refuses to sign the contract, the ordinance shall be void and of no effect.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 11, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

23-13

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$2,500,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Sparta, County of Sussex, New Jersey, as follows:

Section 1: The sums of Two Million Two Hundred Thousand dollars (\$2,500,000.00) to be utilized out of the General Capital Improvement Fund is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Sparta.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Sparta may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby repealed on to the extent of the inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023 and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 25, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

23-14

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$500,000.00 FROM WATER CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS WATER CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Sparta, County of Sussex, New Jersey, as follows:

Section 1: The sums of Five Hundred Thousand dollars (\$500,000.00) to be utilized out of the Water Capital Improvement Fund is hereby appropriated for the following purpose:

For Various Water Capital Improvements or Purposes for the Township of Sparta.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Sparta may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of the inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023 and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 25, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED
“COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND
THE DEFINITIONS UNDER SECTION 18.2 AND TO AMEND
PORTIONS OF SECTION 18-4.31A ENTITLED “PLANNED
COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)”**

Purpose Statement. The purpose of this Ordinance is to amend certain provisions of the Comprehensive Land Management Code to amend the definitions and to amend portions of the Planned Commercial Economic Development (PCED) Zone District.

Whereas the amendments to PCED Zone District align with new regulations and guidelines enacted by various New Jersey Departments, Agencies, Research Institutions, and planning and sustainable focused Not for Profits to develop, design and plan for smart growth principles.

Whereas the PCED Zone District is located in the Rural Planning Area (PA4) as defined by New Jersey’s State Development and Redevelopment Plan. The primary intention of the Rural Planning Area (PA4) designation is the protection and enhancement of rural lands by discouraging land use policies that produce sprawl.

<https://nj.gov/state/planning/assets/docs/2001-state-plan/stateplan030101.pdf>

Whereas to address stormwater runoff issues that could result in flooding and pollutants into New Jersey’s waterways, on March 2, 2020, the New Jersey Department of Environmental Protection (NJ DEP) amended the Stormwater Management Rules (NJAC 7:8) to include the use of green infrastructure as stormwater management techniques.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_8.pdf

Whereas to further reduce the impact of stormwater runoff in December of 2022, NJ DEP published amendments to Stormwater Management Rules to implement stormwater design requirements for new developments necessary to reduce stormwater runoff.

<https://www.nj.gov/dep/rules/proposals/proposal-20221205b.pdf>

Whereas understanding the impacts of climate change and the importance for smart growth and land use planning , New Jersey signed into law P.L. 2021, c6 on February 4, 2021, to require a municipality to

incorporate a climate change-related hazard vulnerability assessment into any Master Plan Land Use Element necessary to implement sound land use planning decisions.

https://pub.njleg.gov/bills/2020/AL21/6_.HTM

Whereas Sparta Township is located in the New Jersey's Highland Region, created by the 2004 New Jersey Highlands Water Protection and Planning Act and administered by the Highlands Council. The mission of the Council's mission is to oversee the preservation, protection, enhancement, and development of the natural, cultural, and recreational resources within the Highland Region, by balancing land development with conservation to sustain the region's ecological integrity.

https://www.nj.gov/dep/rules/adoptions/njac7_38_20050509.pdf

Whereas the Highlands Regional Master Plan (RMP), was adopted in 2008. In accordance with the RMP policy, the Highlands Council urges municipalities to reduce impervious coverage to the maximum extent feasible, regardless of current levels, to deter water degradation resulting from increased stormwater runoff as a result of impervious coverage.

https://www.nj.gov/njhighlands/master/rmp/final/highlands_rmp_112008.pdf

Whereas the Highlands Council published a report entitled "Policy Standards for Warehousing in the New Jersey Highlands Region" on April 28, 2023, noting that impervious coverage is widely recognized as the largest factor in degradation of water quality in most waterways.

https://www.nj.gov/njhighlands/planconformance/guidelines/warehousing/warehouse_policy.pdf

Whereas research from the Rutgers Raritan River Initiatives has found a high correlation between the amounts of impervious surface cover and the degree of water quality impairment.

<https://rutgers.app.box.com/s/c509dcz5rtkcdyb1zilma84p0irasgpx>

Whereas the amendments to the PCED Zone support several mission statements of New Jersey Future to promote sensible and equitable growth, infrastructure investments to foster resilient communities and to protect natural lands and waterways.

<https://www.njfuture.org/about-njf/mission-history/>

Whereas the Rutgers Water Resources Program recommends the reduction of impervious coverage to address water resource issues.

NOW THEREFORE be it ordained by the Council of the Township of Sparta that Chapter XVIII entitled “Comprehensive Land Management Code” is hereby amended as follows:

Section 1. Section 18-2.1 entitled “Definitions Purpose” is amended to add the following definitions:

- a. Light Industrial Use shall mean industrial uses that meet the performance standards as permitted in Section 18-4.31A.b.10 of the PCED Zone District.
- b. Outdoor Dining Area shall mean a designated area on the premises of a retail food establishment or restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a wait staff.
- c. Outdoor Eating Area shall mean a designated area on the premises of a retail food establishment, but outside the principal building, and where patrons may sit at tables while consuming foods, soft drinks, ice cream, and similar confections purchased from the retail food establishment.

Section 2. Section 18-4.31A Planned Commercial Economic Development Zone (PCED) is amended in its entirety to state as follows:

- a. Purpose. The purpose of the Route 15 Planned Commercial Economic Development (PCED) Zone is to permit development of the areas of land along Route 15, West of Route 15, North of the New York Susquehanna Western Railroad right-of-way and Houses Corner Road and South of Wilson Drive. A Planned Commercial Development will prevent any adverse impacts on the community and enhance the existing light industrial uses, and permit the free flow of traffic on Route 15 to meet the State NJDOT Highway Access Management Code.
- b. Permitted Uses. The following uses are permitted in the Planned Commercial Economic Development (PCED) Zone in a Planned Development.

1. Planned Commercial Economic Developments, including any uses permitted in this zone.
2. Office building for business, professional, executive, administrative offices.
3. 24 Hour Emergency/Urgent Care facilities.
4. Retail uses in single use or multi-tenant buildings provided the buildings have a residential appearance of multiple facades and multiple peaked roofs.
5. Restaurants including restaurants where food is sold on premises and served and consumed at tables within the restaurants.
6. Indoor theaters, indoor cinemas, and indoor recreation areas including gymnastics, basketball, soccer, health clubs, and other similar uses.
7. Banquet facilities.
8. Agricultural uses on five (5) acres or more.
9. Science, research and development laboratories.
10. Light Industrial Use processes of manufacture, fabrication, assembly treatment or packaging conversion of products provided that no light manufacture use shall manufacture, fabricate, assemble, package or process any material or product that uses or generates hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_26e.pdf

11. Retail Pharmacy (with or without a drive-through window).
12. Micro-breweries, Micro-distilleries, Wineries.
13. Outdoor recreation uses, except those included as a conditional use or prohibited use.
14. Preexisting storage buildings and preexisting warehouses.
15. Multi-tenant professional offices.

16. Warehouses and storage buildings located three hundred (300) feet from Route 15 provided that no warehouse or storage building shall (a) store any material or product that uses or generates hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program, and (b) have no more than three (3) dock doors

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_26e.pdf

- c. Conditional Uses. The following uses are approved as conditional uses in the PCED Zone District.

1. Outdoor Dining or Outdoor Eating subject to the conditions in Section 18-4.7.c.19.

- (a) The following design standards shall also apply to all Outdoor Dining Areas and Outdoor Eating Areas. An Applicant shall prepare a statement addressing how the development proposal complies with each design standard. An Applicant may request a design waiver from a design standard which is subject to the Board's approval. These design standards are not conditions of the conditional use of Outdoor Dining or Outdoor Eating.

- (1) All outdoor dining areas and outdoor eating areas shall be limited to not more than twenty percent (20%) of the total maximum permitted seating for the interior of the establishment.
- (2) All outdoor dining areas and outdoor eating areas shall be immediately adjacent to the principal restaurant.
- (3) No outdoor dining area or outdoor eating area shall be located within any public right-of-way or any part of any parking lot, including but not limited to a parking aisle, parking space or any parking circulation area.
- (4) All outdoor dining or outdoor eating areas shall be set back not less than fifty (50) feet from a public right-of-way or twenty (20) feet from the curb line of a private street or driveway.
- (5) The highest standards of cleanliness of the outdoor area shall be maintained at all times, including frequent litter removal, within and around and beyond the subject property. A plan for litter removal, trash handling, and overall cleanliness and maintenance shall be submitted

together with the application. No outdoor storage of refuse shall be permitted.

- (6) The hours for outdoor service shall be the hours the establishment is open. No tables, chairs, benches or other equipment used shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk.
- (7) Noise shall be kept at such a level as to comply with all provisions of the Township ordinances relating to noise as well as all applicable State statutes. No outdoor music, live entertainment, public address system, loud speakers or any other type of exterior sound systems shall be permitted unless approval has been obtained from the Township.
- (8) Lighting servicing the outdoor dining or outdoor eating areas shall be kept at the minimum necessary to ensure the safety of the public and patrons of the establishment. No lighting provided specifically for outdoor dining or outdoor eating areas shall spill onto adjacent properties. All lighting shall be directed towards the principal restaurants and shall otherwise comply with all applicable Township Ordinances.
- (9) Low barriers of a temporary nature shall be placed at the edge of the seating area provided that there is no interference with public safety, pedestrian movement or vehicular circulation patterns.
- (10) There shall be a minimum fifty (50) foot buffer between the lot on which an outdoor dining area or outdoor eating area is proposed and an adjacent lot developed with a residential structure.
- (11) The outdoor dining operation shall be operated and maintained by the same person who operates and maintains the related restaurant establishment of which the outdoor dining area or outdoor eating area is a part and extension thereof.
- (12) "BYOB" is permitted in outdoor dining areas but only with the consumption of food; establishments with valid liquor licenses may serve alcohol at outdoor dining seating without the consumption of food.
- (13) All necessary amendments to liquor license applications with regard to the description of the area of the licensed premises shall be made and

approval for such obtained prior to the service of alcohol in the outdoor dining area which is a part of the premises for which a liquor license has been previously issued.

- (14) There shall be no additional signage on the premises or on the furnishings and equipment utilized as part of the outdoor dining operation.
 - (15) Where outdoor dining is proposed to be located directly adjacent to parking spaces which provide for head-on parking or parking angled towards the proposed outdoor dining area or outdoor eating area, protective bollards or barriers must be installed as approved by the Township Engineer or Land Use Board Engineer.
 - (16) All outdoor dining areas and outdoor eating areas shall be approved by the respective Township Land Use Board.
- 2. Public utilities subject to the conditions under Section 18-4.7.c.3.
 - 3. Schools shall be subject to the conditions under Section 18-4.7.c.9.
 - 4. Drive-Through Restaurants where food is sold on premises and served and consumed within the restaurant, and with drive-through windows.
 - (a) All drive-through restaurants shall comply with the conditions under Section 18-4.7.c.2.
 - (b) All drive-through restaurants shall provide an on-site queuing of cars from the point of entrance up to the pickup window for no less than twelve (12) cars in a drive-through lane and that does not encroach in any public or private street. Any ordering menu or ordering window shall be out of view from Route 15.
 - (c) All drive-through restaurants are encouraged to have a single drive-through entry lane that splits into two (2) ordering lanes and merges back into a single pick-up lane.
 - 5. Banks and banking offices subject to the conditions in Section 18-4.7.c.13.
 - 6. Churches, houses of worship subject to the conditions in Section 18-4.7.c.9.(b).

7. Miniature Golf Courses and batting cages subject to the conditions in Section 18-4.7.c.5.
- d. Prohibited Uses. The following uses are specifically prohibited in the PCED Zone District.
1. Hair and Nail Salons.
 2. Kennels and Veterinary Hospitals.
 3. Golf courses.
 4. Trucking terminals.
 5. Soil and rock removal.
 6. Gasoline Service and/or Distribution Stations.
 7. Outdoor retail sales or retail display areas.
 8. Distribution centers, fulfillment centers or parcel hubs.
 9. Outdoor storage.
 10. Any uses that are regulated by the underground storage tank (UST) program of the State of New Jersey or Federal Government.

https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_14b.pdf
 11. Any uses that use or generate hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program.
 12. Any use listed under Appendix A Major Potential Contaminant Sources (Ordinance No. 2015-12) and within §18-3.4.k.6 of the Township's Ordinance.

<https://ecode360.com/35836262>
 13. Any use that would prove to be environmentally harmful, as defined by the New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards,

to the existing wellheads located on Block 12008, Lot 9 or the underlying Germany Flats aquifer.

https://www.state.nj.us/dep/dwq/7_14a/sub01rule.pdf

14. Any use involving any animal testing shall be prohibited.
 15. Any use not specified as a permitted use or conditional use shall be prohibited.
- e. Accessory Uses. Those uses customarily incident to the above permitted and conditional uses.
 - f. Required Standards. All Planned Commercial Economic Development (PCED) District Zone uses shall meet the following minimum standards.
 1. Building Height. The height of a principal structure shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories.
 2. Front Yard. There shall be a front yard setback of not less than fifty (50) feet. Parking areas shall have a minimum front yard setback of twenty-five (25) feet. Properties with frontage on Route 15 shall have a front yard setback of not less than one hundred (100) feet. No more than thirty-three and one-third percent (33 1/3%) of the parking spaces shall be located in the front yard.
 3. Side Yard. There shall be two (2) side yards, each of which shall be no less than thirty (30) feet. Parking as required may be permitted in the side yards with a side yard setback not less than ten (10) feet. The parking side yard setback may be reduced to zero (0) feet for adjacent properties with shared parking.
 4. Rear Yard. There shall be a rear yard of a least fifty (50) feet. The rear yard may be used for parking with a rear yard setback of not less than ten (10) feet. The parking rear yard setback may be reduced to zero (0) feet for adjacent properties with shared parking. Underground or underbuilding parking shall be prohibited. For existing lots of 25 acres or greater in size as of June 1, 2023, there shall be a minimum three hundred (300) foot setback from the rear property line to any impervious surface or structure to mitigate the potential adverse impacts of incompatible land uses, promote environmental protection, enhance visual aesthetics, and provide a transition between adjacent land uses. The rear yard setback shall be planted with a mixture of native vegetation; including trees, shrubs, and ground cover. A variety of plants, five (5) to seven (7) different species of native trees and shrubs should be used to create a diverse

planting palette. Groupings of shrubs shall be interspersed with the overall grid of tree plantings. A native grass and wildflower seed mix suitable for upland areas and riparian areas shall be applied to all surrounding disturbed land. In open areas, tree planting should be approximately ten (10) feet on center, in staggered rows. Tree tubes should be used to protect tree saplings from wildlife damage. A range of container sizes are recommended for revegetation/restoration areas as follows:

- (a) Twenty percent (20%) shall have a minimum size of fifteen (15) gallons.
 - (b) Twenty percent (20%) shall be seven (7) gallons.
 - (c) Sixty percent (60%) shall have a minimum size of one (1) gallon.
5. Impervious Coverage. Maximum impervious coverage shall not exceed thirty percent (30%) of the lot area. Impervious coverage may be increased if a portion of the lot is used as a public right-of-way or public access easement providing access to adjoining lots for purposes of access to either Wilson Drive or the new traffic light located on Route 15. The increase in impervious coverage shall be equal to one (1.0) times the area of public right-of-way or public access easement located on the original property providing access to the new traffic light.
 6. Lot Area and Building Size. Minimum lot size shall be one (1) acre. No building size shall exceed a total of twenty-five thousand (25,000) square feet (including the sum of all floors), or exceed the building square footage that would generate a wastewater disposal to an individual subsurface disposal system of greater than 1,999 gallons per day, whichever is less.
 7. Minimum Frontage. There shall be a minimum lot frontage of two hundred (200) feet.
 8. Parking. The uses within the Planned Commercial Economic Development (PCED) Zone shall provide for parking in accordance with the parking standards set forth in Subsection 18-5.3.h. Underground or underbuilding parking is not permitted.
 9. Planned Commercial Economic Development uses shall utilize Wilson Drive, Gail Court or the future intersection for northbound access to Route 15. Access from northbound Route 15 shall be from Wilson Drive, Gail Court or the future intersection. There shall be no new left turn in and/or left turn out driveways after September 25, 2018, to Route 15 from new or expanded uses within the Planned Commercial Economic Development. Any driveway access to Gail Court shall be a minimum of fifty (50) feet from Block 12008, Lot 9 (wellhead property).

10. Architectural Design Standards.

- (a) The PCED shall have a unified architectural and design scheme for all buildings and facades that face streets or parking areas. Each facade must be treated architecturally, not just the main entrance facade. The entire front, sides and rear of the building shall be coordinated in compatible colors and materials. Street facades, in the public view, shall receive the greater architectural emphasis.
- (b) Natural, earth tone colors with accent colors permitted as a unifying design element or as business color scheme.
- (c) Building facades shall be articulated with a base, a lower and upper facade and capped with a cornice; and/or a roof element. All visible facades of any proposed building must be treated with architectural materials which shall consist of brick, finished masonry, stone, wood or combination thereof, based on commonly accepted architectural details, or other materials approved by the Planning Board.
- (d) All buildings shall have pitched roofs except where technical considerations require a flat roof, a mansard roof treatment shall be used to reflect the design standards of the PCED. Different orientations, and types of pitched roofs (hip, mansard or gable) shall be utilized to break up large roof lines. Architectural shingles are permitted; metal roofs may be permitted provided they are consistent with color design standards.
- (e) Entrances shall be defined by architectural elements.
- (f) Any exterior mechanical and electrical equipment, shall not be exposed to the public view. Any deviations from the standard shall require architectural treatments consistent with the character and approved by the Board.
- (g) Continuity of Architecture and Site Details. The design continuity and coordination of architecture and site details, especially walls, fences, ornamental metal work, steps, walkways, planting beds and landscaping is especially critical to the character of the Planned Commercial Economic Development zone.
- (h) Massing. The massing of building facades longer than one hundred and fifty (150) feet that are approximately parallel to the right-of-way and oriented to a

public street shall be modulated to increase visual interest, at intervals no greater than one hundred (100) feet in length.

- (i) General Site Design Standards (applicable to all uses).
 - (1) Drive-through Facilities. Drive-through windows, menu boards, equipment, and associated stacking lanes should be located to minimize impacts on adjacent residential areas and should be adequately screened from public view and the view of adjacent sites. Consider drive-through windows that incorporate an architectural covering consistent with the design theme of the building. Coverings over drive-throughs can help to achieve more variation to building mass, added comfort for users, breakdown of building mass, and finished building appearance.
 - (2) Clearly visible and direct pedestrian paths should be established between neighboring buildings, between buildings and outlying parking areas, and between buildings and transit facilities. Where pedestrian circulation paths cross vehicular routes, a change in paving materials, textures, or colors should be provided to emphasize the conflict point, improve visibility, enhance safety, and provide added aesthetic appeal. Bicycle parking should be provided at locations that do not obstruct the flow of pedestrians, are easily identifiable and visible, and convenient to customer entrances.
 - (3) Loading docks and service areas should be located interior to the property to avoid visibility from any street. When impractical, landscaping should be maximized to screen docks and service areas as much as possible.
 - (4) Loading areas should not interfere with onsite pedestrian and vehicular circulation. Off-street loading areas shall be located in the rear of buildings and screened from view from adjacent property or streets.
 - (5) Service facilities, including trash enclosures, storage areas, utility meters, etc., should be located and designed for easy access by service vehicles and should not intrude into major lines of sight when viewed from public view.

- (6) Dumpsters shall be screened to a height of eight (8) feet with an opaque screen on all sides made of brick, stucco, or split-face block and located behind the building they serve.
 - (7) All ground mounted mechanical, HVAC and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by an opaque wall or fence made of brick, stucco, split face block or landscaping.
 - (8) For all commercial/retail buildings, roof mounted mechanical, HVAC and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.
 - (9) Stormwater management elements should be designed as part of a connected system of open spaces, greenways, and trails to provide amenities for businesses, workers and visitors.
 - (10) Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.
- (j) Any pre-existing signs on existing properties may continue to be used. Signs located along any internal access drive shall be limited to one (1) free-standing monument sign per business located on a foundation and shall be no greater than fifteen (15) square feet on each side and shall be no higher than five (5) feet in height. Properties with existing direct access to Route 15 may have an additional sign to be located along Route 15 up to thirty-two (32) square feet at a height of five (5) feet.

11. Sign Standards.

- (a) Individual businesses that have a principal entrance on the first story may choose from the following sign types and must follow the conditions for each individual sign type.
 - (1) Awning.

- [a] Smallest rectangle that fully encompasses the entire extent of letters, logo and background. The following variations of awnings, with or without sign bands are permitted: fixed or retractable, shed or dome awnings.
- [b] Signage or sign bands shall be limited to the valance of the awning or the vertical portion of a dome awning.
- [c] No portion of the awning shall be lower than eight (8) feet clearance.
- [d] Awnings shall be a minimum of four (4) feet deep, and shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above. Awnings may wrap around the corner of buildings.
- [e] The height of the valance or sign band shall not exceed twelve (12) inches.
- [f] Awning signs shall contain only the business name, logo, and/or street address. Letters, numbers and graphics shall cover no more than seventy percent (70%) of the valance/sign band area.
- [g] Awning signs shall not be internally illuminated or backlit. Colors shall be consistent with the uniform architectural and design scheme of the overall planned development.

(2) Band.

- [a] Band signs shall include only letters, background, and an optional logo. Information shall consist only of the name and/or logo of the business. Band signs shall not list products, sales, or other promotional messages, or contact information.
- [b] The following band sign construction types are permitted:
 - [1] Cut-Out Letters. Letters shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated.

- [2] Flat Panel. Letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.
- [3] Channel Letters by Warrant. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.

- [c] Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background. Height shall not exceed three (3) feet.
- [d] Band signs shall not be wider than ninety percent (90%) of the width of the building facade or tenant space.
- [e] Band signs shall not project vertically above thereof line.
- [f] Band signs may be illuminated from dusk to dawn or during business. External lights shall be shielded from direct view to reduce glare.
- [g] No internal lighting shall be permitted.
- [h] Band signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.

12. Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.

13. A row of shade trees shall be provided along any public or private right-of-way. A row of shade trees, spaced no more than seventy-five (75) feet apart, shall be planted along Route 15 and dedicated to perpetual open space.

14. Planned Commercial Developments. Planned commercial developments shall have a minimum of twenty (20) acres with a minimum of two hundred (200) feet of frontage on Route 15 and are subject to meeting at least one of the following standards (a) access to an access road connecting the property to the new road at the traffic light on Route 15 or (b) access to Wilson Drive or Gail Court, provided that any driveway access to Gail Court shall be a minimum of fifty (50) feet from Block 12008, Lot 9 (wellhead property). The access to Wilson Drive or Gail Court may be a public or private street or a driveway. The developer is encouraged to propose a road accessing Wilson Drive or Gail Court as part of any Planned Development Site Plan application; however, any new warehouse building or Light Industrial Use building application shall and must include a proposal for a new road accessing Wilson Drive or Gail Court for ingress and egress to those types of buildings. There shall be only one (1) roadway from the Planned Commercial Economic Development District to Route 15 for primary ingress and egress at the planned new traffic light. Existing operating driveways existing as of August 2017 may continue to operate. All non-warehouse and non-Light Industrial Use driveways shall, at a minimum, connect to the one new road accessing Route 15 at the new traffic light but are also encouraged to connect to Wilson Drive or Gail Court.

- (a) The planned commercial development shall have a unified architectural and design scheme which shall be designed as a campus-like setting and satisfy the requirements of Section 18-4.31A.f.10 and shall be subject to the review and approval of the reviewing board at the time of preliminary and final site plan approval. The approved unified architectural and design scheme shall be complied with by the applicant, and any future developers within the Planned Commercial Economic Development (PCED) District. There shall be no changes to the architectural and design scheme without a formal Amendment of the approved planned commercial development or site plans within the PCED District by the applicant and approval of the Amendment by the reviewing board of the Township of Sparta. The unified architectural and design scheme shall include a unified architectural appearance of all facades of the buildings, and shall provide for common signage theme for all uses in the property and in the zone.
- (b) One (1) monument directory sign along Route 15 for the planned commercial development may be submitted and approved. The directory sign may be up to thirty-two (32) square feet with a maximum height of eight (8) feet on each side for any property or group of properties in the planned commercial development.
- (c) Parking for the planned commercial developments in the Planned Commercial Economic Development (PCED) Zone shall be located within two hundred

(200) feet of each of the structures for which the parking is provided. No more than thirty-three and one-third percent (33 1/3%) of the parking spaces shall be located in the front yard.

- (d) Landscape Plan. Any Planned Commercial Economic Development (PCED) development shall provide a landscape plan prepared by a Licensed Landscape Architect in the State of New Jersey for at the time of preliminary site plan approvals setting forth a landscape buffer between the adjacent industrial properties and the planned commercial development and within and between parking lots. The landscape aisles within the parking island shall be located at least every forty (40) parking spaces. The landscape plan shall provide for the initial planting of shade trees at a minimum caliper of four (4) inches in a base of at least one (1) tree every thirty (30) feet of the landscape area within the parking area, or on the perimeter of the parking area and all property boundaries. The landscape plan shall also address streetscape improvements including but not limited to benches, lighting poles and fixtures (all downward facing), and sidewalk pavers/materials. Lighting shall provide a minimum of five-tenths (0.5) foot candle in parking lots.
- (e) All parking lots shall meet the landscaping requirements under Section 18-5.3.o of the Township Ordinances.
- (f) Common Access Between Parking Lots. Any Planned Commercial Economic Development (PCED) development shall provide for common access and egress from parking lots and for common areas between parking lots even if owned by separate owners within the planned commercial development. A deed of common driveway easement shall be submitted with any planned commercial development and shall be subject to the review and approval of the Planning Board Attorney and the Planning Board Engineer. The common driveway shall be intended to prevent the need for new left turn out and left turn in driveways to Route 15. The accessways may be a common driveway, private or public road.
- (g) Prior to the commencement of the site work, the applicant shall enter into a Developer's Agreement with the Council of the Township of Sparta as authorized by the Municipal Land Use Law establishing certain minimum conditions relating to water, septic or sewer, fire protection, ingress and egress from Wilson Drive standards to ensure no new left turn in and left turn out driveway to and from Route 15, timing and rate of development, construction of private and public improvements, dedication of open space, performance

guarantees and any common accessways and public improvements, maintenance guarantees for any common accessways or public improvements, and in such other time period or statutory protection period applicable to the development, and such standards and provision as shall be deemed appropriate by the governing body of the Township of Sparta.

- (h) **Pedestrian Walkways Between Buildings.** All commercial buildings within a planned commercial development shall provide for safe vehicular and pedestrian ingress to and egress from parking lots and drives and building areas. In addition, a pedestrian plan shall be submitted within the application at the time of preliminary site plan application providing for pedestrian access from parking spaces devoted to particular uses to the buildings to which the parking spaces are devoted. The sidewalk shall be located a minimum of six (6) feet from any building wall to allow for landscaping between the sidewalk and building wall. The architectural scheme for the planned commercial development shall provide for internal and external pedestrian circulation within buildings and between uses within buildings and for the connection between buildings. Sidewalks shall be provided along any public right-of-way, excluding Route 15.

- (i) **Required Standards and Criteria.** In order to foster the attractiveness of a site designated as a PCED, planned commercial development and the surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, the following standards and criteria shall be utilized by the Planning Board in reviewing all site plans and subdivision plats relating to a PCED, planned commercial development. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.
 - (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. All planned commercial developments shall provide a minimum front yard of one hundred (100) feet from Route 15 which shall be landscaped with a row of shade trees spaced no more than seventy-five (75) feet apart and dedicated to perpetual open space.

 - (2) **Interior Building Setbacks.** The distance between buildings on the same lot or as part of a Planned Commercial Development (PCD) shall be

sufficient to provide adequate light and air, however no building wall shall be located closer to another building wall than the building height of the tallest adjacent building.

- (3) Exterior Building Setbacks. The front yard, side yard and rear yard building setbacks for all Planned Commercial Developments shall be the same as specified for all uses in the PCED Zone.
- (4) With respect to vehicular and pedestrian and handicapped circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (5) Special attention shall be given to property site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.
- (6) All permanent utility lines, pipes and conduits shall be located below ground, and all other installations and appurtenances shall be adequately screened.
- (7) The size, location, design, color, texture, lighting and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- (8) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- (9) Adequate provision shall be made for a sewage disposal system which shall be of sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings in the PCED,

planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements. Any systems proposed shall ensure that any discharge is directed away from any wellhead protection areas located in PCED and any adjacent zones.

- (10) Adequate provision shall be made for a storm drainage and surface water detention system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the PCED, planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements. Any systems proposed shall ensure that any discharge is directed away from any wellhead protection areas located in PCED and any adjacent zones.
- (11) Adequate provision shall be made for a water system which shall be of sufficient size, capacity and design to supply potable water and fire protection to each of the buildings within the PCED, planned commercial development, and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.
- (12) Adequate provision shall be made for the collection and disposal and, where possible, recycling of garbage, trash and solid waste generated by the PCED, planned commercial development, and such system shall be maintained in conformity with all applicable State, County and municipal regulations and requirements.
- (13) Adequate provision shall be made for a system of interior roads sufficient to accommodate predictable vehicular traffic within the PCED, planned commercial development, and to ensure safe and efficient vehicular access, including access of fire-fighting equipment to and from each of the buildings within the PCED, planned commercial development.
- (14) In the event that PCED, planned commercial development, is to be constructed in sections over a period of years, then the provisions for the sewage and garbage disposal, storm drainage and water supply and for interior roads, specified in this Ordinance, need to be adequate only in respect to the sections of development which have previously received

final approval and the section of development for which final approval is being sought. The developer shall supply to the Planning Board information disclosing such adequacy and obtain the Planning Board's approval thereof.

- (15) There shall be a minimum front yard setback of fifty (50) feet for buildings and twenty-five (25) feet for any parking area. Except as otherwise provided in this section, there shall be no minimum width or frontage, no requirement as to front, side or rear yards, and no requirement concerning the location of accessory buildings or structures for any land use in the PCED, planned commercial development. However, no plan for a PCED, planned commercial development, shall be approved unless the lot widths, depths, and frontages, building setbacks, percentages of lot coverage, front, side and rear yards and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consistent with the public health, safety and general welfare.
- (16) No building or structure, other than a fence or garden wall less than seven (7) feet in height, or a sign, shall be located within a distance of fifty (50) feet of any exterior boundary line of the site designated for a PCED, planned commercial development, and no such building or structure other than those excepted above shall be located within a distance of fifty (50) feet of any State or County road.
- (17) The maximum building footprint shall be no greater than twenty-five thousand (25,000) square feet for any single building.
- (18) The maximum building coverage shall be no greater than twenty-five percent (25%) of the lot area.
- (19) Areas along the adjacent railroad right-of-way shall be buffered and include adequate security to limit public access to the railroad right-of-way.
- (20) Prior to issuance of a Certificate of Occupancy (C.O.), each new tenant, or change in tenancy, in the PCED district shall be required to receive tenant approval from the Planning Board to ensure compliance with the provision of this section.

g. Required Impact Studies for any development application in the PCED Zone District.

1. Environmental Impact Study. An environmental impact study shall be prepared by a qualified Environmental professional limited to a licensed New Jersey Professional Planner in the State of New Jersey, a New Jersey Licensed Professional Engineer in the State of New Jersey, or an individual with a master's degree or doctorate in Environmental Sciences, Ecology or similar educational or expertise background and shall be reviewed, which includes elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, mitigation of environmental lighting issues, topography, soil and animal life, air quality, floodplains, wetlands, preservation of trees and vegetation, use of rain gardens, coastal zones and groundwater resources, and the design of the plan shall minimize and propose corrective actions that remedy any adverse impact on these elements. The Planning Board may request a hydrological study for any Planned Development or other development larger than five (>5) acres. Other requirements of the EIS under Section 18-6.5.c.4 shall be required as necessary.

2. Traffic Impact Study

(a) The traffic impact for the immediate area as well as the increased traffic volume being created by the proposed use shall be analyzed in written form by a licensed and qualified Traffic Engineer and submitted to the Planning Board.

(1) Traffic impact. An analysis of the existing road network available to serve the proposed development as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development, including the capacity of the existing and proposed roadways and intersections, the anticipated traffic volumes as a result of the proposed development, and the increase in traffic volumes expected from other developments that have been approved by the Township within the area. The analysis also includes any problem spots in the overall road network, including unsafe intersections, turns or grades.

(b) The Traffic Study shall show that the following standards are met:

(1) Trip generation rates at the AM and PM peak hours shall be provided within the study.

(2) The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to

"D" or below. An impacted intersection shall be considered one where one hundred (100) or more weekday peak hour trips are added. Where LOS in a no-build condition exists as "F", the study shall provide mitigation to improve the LOS.

3. Community Impact Statement

- (a) All applications for any Planned Commercial Economic Developments or any building greater than twenty-five thousand (25,000) square feet in the PCED Zone shall be accompanied by a community impact statement prepared by a Licensed Professional Planner in the State of New Jersey or a Licensed Professional Engineer in the State of New Jersey analyzing the proposed development and its expected impacts upon existing municipal facilities and services. The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest, as well as providing data and opinions concerning the following specific items:
- (1) Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts: preschool-aged children, school-aged children, parents of family-bearing age, middle-aged adults and retired people, as well as the number of temporary and permanent jobs created.
 - (2) Facilities impact. An analysis of the existing facilities available to serve the proposed development and the impact of the development upon the facilities, including the adequacy of existing public water facilities, public sewerage facilities, and emergency response facilities. Should such facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities and who, in the opinion of the applicant, should pay for them.
 - (3) Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon services, including police protection, fire protection, first aid, solid waste disposal, and street maintenance services.

- (4) Financial impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality and the county.

Section 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 11, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

Roxanne Landy, RMC
Municipal Clerk