

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JANUARY 11, 2023**

The Zoning Board of Adjustment Meeting was held at the Sparta Township Municipal Building located at 65 Main St. Sparta, NJ. 07871 and was called to order by Acting Chairman Kenneth Laury at 7:00 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: Richard LaRuffa, Michael Leondi, Michael Jozefczyk, John Finkeldie and Kenneth Laury

Members Absent: Mark Scott and Richard Rohrbacher (new members)

Others Present: Glenn Kienz, Esq., Board Attorney
David Simmons, Board Engineer
Diana Katzenstein, Board Secretary

Mr. Laury announced the new members of the Zoning Board of Adjustment were not present to be sworn in; then he confirmed with Mr. Kienz that application # 18-22 of 350 Sparta Ave., LLC will be carried to March 8, 2023 and that re-notice will be required. Mr. Kienz confirmed with the Board members that they did not have any objections with him acting as temporary Chair just to get through the re-organization.

Zoning Board of Adjustment Re-Organization

A. Election of Chairman

Mr. Kienz opened up the floor for nominations; Mr. Leondi made a motion to nominate Mr. Laury for Chairman of the Sparta Zoning Board of Adjustment. Mr. Laruffa seconded the motion; with no other nominations the motion was moved by unanimous voice and no members of the Board were opposed.

B. Election of Vice-Chairman

Chairman Laury made a motion to nominate Mr. Leondi for Vice Chairman of the Sparta Zoning Board of Adjustment. Mr. Laruffa seconded the motion. Mr. Leondi made a motion to cast the unanimous ballot; Mr. Finkeldie seconded the motion; all present in favor by unanimous voice.

C. Appointment of Attorney

Chairman Laury made a motion to nominate the appointment of Mr. Kienz for attorney of the Sparta Zoning Board of Adjustment. Mr. LaRuffa seconded the motion. Mr. LaRuffa made a motion to cast the unanimous ballot; Mr. Leondi seconded the motion; all present in favor by unanimous voice.

D. Appointment of Board Engineer

Chairman Laury made a motion to nominate David Simmons as the Engineer for the Sparta Zoning Board of Adjustment. Mr. Leondi seconded the motion. Mr. LaRuffa made a motion to cast the unanimous ballot; Mr. Leondi seconded the motion; all present in favor by unanimous voice.

E. Appointment of Secretary

Chairman Laury made a motion to nominate Diana Katzenstein for secretary of the Sparta Zoning Board of Adjustment. Mr. Leondi seconded the motion. Mr. Leondi made a motion to cast the unanimous ballot; Mr. Finkeldie seconded the motion; all present in favor by unanimous voice.

F. Appointment of Official Publication

Chairman Laury made a motion name the Sunday Herald and the New Jersey Herald as the official newspapers for the Sparta Zoning Board of Adjustment. Mr. Finkeldie seconded the motion. All present in favor by unanimous voice.

Mr. Laruffa asked if there were any other options considered by the Governing Body; Mr. Kienz clarified

G. Schedule of meeting dates

Mr. Kienz mentioned the meetings were scheduled for the 2nd and 4th Wednesdays of the month and that the Board will try to keep it one meeting per month for time efficiency; then he read the schedule of the proposed 2023 meeting dates. Chairman Laury made a motion to accept the meeting dates as presented; Mr. Leondi seconded the motion; all present in favor by unanimous voice.

H. Appointment of Conflict Attorney

Mr. Kienz suggested to appoint a Conflict Attorney since there was pending litigation. Chairman Laury made a motion to appoint Alyse Hubbard, Esq. as the Conflict Attorney for the Sparta Zoning Board of Adjustment; Mr. Leondi seconded the motion; all present in favor by unanimous voice.

I. Appointment of Professional Planner

Chairman Laury made a motion to appoint Harbor Consultants as the Professional Planner firm for the Sparta Zoning Board of Adjustment; Mr. Leondi seconded the motion; all present in favor by unanimous voice.

REVIEW OF ANNUAL REPORT

Mr. Kienz noted there was an annual report prepared by the Board secretary as well as a resolution prepared by the attorney's office which summarized all the applications heard in 2022; he added there were no particular recommendations since a lot of applications involved properties in the Lake Mohawk area and pre-existing non-conforming lots; Mr. Kienz then confirmed with the Board members they did not have any specific recommendations for Ordinance changes in the Lake Mohawk area.

Chairman Laury mentioned application # 5-22 for Edward Fears has been inactive and should be dismissed; Mr. Kienz suggested contacting the applicant to let him know re-notice was required for the next meeting scheduled on February 8, 2023 and that if re-notice was not provided, the application will be dismissed without prejudice.

Mr. Laruffa made a motion to adopt the 2022 annual report and related resolution; Mr. Jozefczyk seconded the motion; all present in favor by unanimous voice.

Chairman Laury thanked Dr. Parker and Mike Sylvester for all their years of service as members of the Zoning Board, and asked the Board Secretary to prepare resolutions for the next meeting from the entire Board thanking them.

APPROVAL OF MINUTES

Mr. Leondi made a motion to approve the minutes from June 8, 2022; August 10, 2022 and September 14, 2022. Mr. Finkeldie seconded the motion and the roll was as follows:

Mr. LaRuffa	Yes	Mr. Leondi	Yes
Mr. Jozefczyk	Yes	Mr. Finkeldie	Yes
Chairman Laury	Yes		

Mr. Laruffa mentioned he was absent on June 8, 2022.

Chairman Laury announced it was the practice of the Board to adjourn the meetings at 10:00 PM.

PUBLIC HEARING:

Mr. Kienz announced that application # 18-22 of 350 Sparta Ave., LLC was carried to March 8, 2023 and that new public notice will be required. Tom Eisenberg, 128 Sussex Mills Road, requested notification for this hearing; Mr. Kienz noted property owners within 200' will receive a notification from the applicant and suggested Mr. Eisenberg to visit the Township's website or check with the Board secretary in this regard.

1) **SACKS, STACEY & JONATHAN # 23-22**
6 Oak Pkwy.
Block 5047 Lot 19

Jonathan Sacks, 6 Oak Pkwy. and Jason Dunn, PP and Licensed Landscape Architect with Dykstra Associates, were sworn in. Mr. Benkendorf on behalf of the applicants stated that the parcel has been owned by the Sacks' since 2018 and that at that time there was a boathouse and a tiki hut, he noted the applicants wanted to completely rebuild the tiki hut and were advised the boathouse and tiki hut had never been approved by the Township. Mr. Benkendorf said the applicants repaired the tiki hut because it was dilapidated and they did not want it to fall down and hurt anybody and that at the same time they repaired some of the patios, without changing the size and the aesthetics, he added they took down the boathouse and removed a dock that was also on the property; then they were notified that they needed to come before the Board for approval of the pre-existing non-conforming tiki hut. Mr. Kienz confirmed with Mr. Sacks that the information provided by Mr. Benkendorf was accurate; Mr. Sacks added the patio was a small brick area next to the tiki hut.

Chairman Laury confirmed the Board recognized Mr. Dunn's professional qualifications.

Mr. Dunn referred to Exhibit A-1 which consisted of the enlarged survey provided by Dominic Venditto, dated January 25th, 2018, last revised on July 30th, 2022, and four (4) pictures that were part of the application packet. Mr. Dunn said they estimated the tiki hut (open air pavilion) was built approximately 2007 and had some structural problems; Mr. Dunn noted it required a rear yard variance since it was too close to the property line (5.2' existing, 10' required for an accessory structure), in addition to the following non-conforming features on the property that they would like the Board to recognize:

Setback	Required	Existing	Variance
Minimum Lot Size	14,000 sq. ft.	13,461 sq. ft.	539 sq.ft.
Maximum Building Coverage	18%	21.8%	3.8%
Maximum impervious coverage	25%	47.1%	22.1%

Mr. Dunn stated the area of the open air structure was about 205 sq. ft and explained the changes that were made during the repair involved the removal of some features of the old structure as shown on

photo #1, taken around 2019, as well as remnants of the boathouse that was being dismantled, also a wall parallel to the sideline was no longer there, a chimney with a fire stone fireplace and an interior stone countertop that were removed. Then he added photo #2 showed that the structure had been simplified and that they kept the concrete floor and same area; the he noted the brick patio area was immediately next to the structure in order to connect the wood deck of the house to the structure and to the dock. Mr. Dunn stated in his opinion the lack of setback (4.8' variance) did not cause any maintenance issues since there was still room to work behind the structure.

Mr. Dunn mentioned a beige vinyl fence located on the neighbor's property that provided some separation and privacy; then he stated the visual impact had been reduced and that the new structure fit into the neighborhood and backyard; also, that the scale and size of it was appropriate to the size of the house and the yard docks as shown in photo #4. Then he noted photo #3 showed the boathouse that was demolished, he added the docks associated with that boathouse were repaired and that the boathouse itself had a deck on a roof deck on top, which in his opinion made a great improvement to the neighborhood and the neighbor's views. He added the overall improvement of this property was notable.

In regards to the landscaping, Mr. Dunn said the applicants provided him with a listing of the plants that they wanted installed which was over 300 perennials and planting beds as shown in photo #4, along the back of the building and between the tiki hut and the side property line. Mr. Dunn stated the C1 criteria as well as the C2 criteria would be satisfied with this application; he added the C1 was a hardship due to the existing lawful structures, undersized lot and the oversized building coverage. He added structures where people could enjoy outdoor activities and get protection from the sun were common around the lake, also that the length of time the structure had been on the property was long before the applicants moved in. Then he noted they could also qualify under a C2 criteria since the positive outweighed the negative, he added the tiki hut was no longer unsightly or a safety hazard and that it had been repaired properly.

Mr. Sacks stated when they purchased the property the house was in good condition as well as the boathouse; he noted the dock was in terrible shape and that all of the boards were uneven also that the tiki hut was dilapidated. Mr. Sacks mentioned the property was professionally landscaped but that there were significant areas that had no plants and/or empty beds; also that there was a brick patio next to the tiki hut with some puddling and uneven pavers. Then he added there was a safety issue with the structure since they did not know how old it was; and from an aesthetic perspective Mr. Sacks said he would describe it as dilapidated and unsightly. Mr. Benkendorf confirmed with Mr. Sacks that they decreased the impervious coverage by removing the boathouse. Mr. Sacks added they removed a tremendous amount of material on the property. Mr. Benkendorf also confirmed with Mr. Sacks that they informed their neighbors regarding the construction and changes and that nobody objected them; also, that the Lake Mohawk Country Club approved this project.

Mr. Leondi confirmed with Mr. Sacks that the construction work was complete and that there was no outstanding work that will be done. Chairman Laury asked when the photos were taken; Mr. Dunn replied they were taken as follows: #1 – 2019, #2 – 2022, #3 – Real Estate listing from 2017 and #4 – 2022. Chairman Laury also asked about the potential runoff from the canopy top; Mr. Dunn replied the structure was not very high and that the patio was on one side of it and landscaping on the other side.

Mr. Simmons referred to his report dated November 28, 2022 and verified that there were no sanitary sewer facilities in the tiki area; and noted the letter of approval from the Lake Mohawk Country Club dated October 31, 2022 was attached to his report.

The meeting was opened to the public. Robert O'Connor, 4 Oak Parkway was sworn in and stated he had lived there since 2008 and was familiar with the structure, also that the property had been improved. Rick Finkle, 13 Hayward Road, was sworn in and asked if approving these setbacks and variances will set precedent for new people to come in and ask for the same type of forgiveness; Mr. Kienz replied if

Mr. Finkle did not have questions about this application he will answer his questions after the Board took action on this application. Joseph Wade, 44 Sagamore Trail, also supported the approval of this application.

Mr. Leondi made a motion have the board attorney prepare a resolution approving application # 23-22 for Jonathan and Stacy Sacks, Block 5047 Lot 19, 6 Oak Parkway requesting a 22.1% impervious lot coverage variance, 4.01% building coverage variance, rear yard setback variance of 14.7' and right side yard setback variances of 2.8 and 2.4'; according to Mr. Simmons's report and the plans and testimony provided. Mr. Laruffa seconded the motion and the roll was as follows:

Mr. LaRuffa	Yes	Mr. Leondi	Yes
Mr. Jozefczyk	Yes	Mr. Finkeldie	Yes
Chairman Laury	Yes		

Mr. Laruffa made a motion to wave the applicant's rights to a written resolution. Mr. Leondi seconded the motion and the roll was as follows:

Mr. LaRuffa	Yes	Mr. Leondi	Yes
Mr. Jozefczyk	Yes	Mr. Finkeldie	Yes
Chairman Laury	Yes		

The meeting was opened to the public. In response to Mr. Finkle's question, Mr. Kienz answered generally speaking the answer would be no and explained it all depended upon individual circumstances and what the property was like. He also noted the Board had downsized a number of applications significantly, and that the law said that property owners had the right to make reasonable use of their property. Mr. Kienz added there was limited precedent that depended upon what the neighborhood and the Board's knowledge was and noted that most of the Board members had been around many years.

Joseph Wade, 44 Sagamore Trail, who was previously sworn in, mentioned he had questions regarding the application for 350 Sparta Ave. Mr. Kienz noted nobody was present at this meeting on behalf of that applicant and that the Board was not permitted to talk about specific things or pending applications. Mr. Kienz advised Mr. Wade to attend the March 8th meeting or any meetings when the Board will hear this application to ask specific questions. Mr. Wade also asked if Sparta had to be so accommodating to big structural businesses that will sit over very important water systems and did not come from Sparta; Mr. Kienz explained everybody had a right, no matter where they were from, to make an application to a Board and that the Board had the duty and obligation to process that application based upon the Ordinances that had been adopted by the governing body, take everything into account and put regulations and restrictions when necessary. Chairman Laury added there were two different Boards Planning Board and Zoning Board of Adjustment with different powers.

With no further business, Mr. Finkeldie made a motion to adjourn the meeting at 7:54 PM. Mr. Leondi seconded the motion. All present in favor by unanimous voice.

Respectfully submitted,

Diana Katzenstein
Board Secretary