

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF FEBRUARY 8, 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 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 Jozefczyk, John Finkeldie, Michael Leondi, Mark Scott, Richard Rohrbacher and Kenneth Laury

Members Absent: None

Others Present: Glenn Kienz, Esq., Board Attorney
Alyse Landano Hubbard, Esq., Conflict Attorney
Diana Katzenstein, Board Secretary

Chairman Laury announced Mark Scott and Richard Rohrbacher were two new members of the Zoning Board of Adjustment and had been sworn in by Mr. Kienz, Board attorney; then he congratulated and welcomed them.

EXECUTIVE SESSION

Mr. Kienz left the meeting.

At 7:02 p.m. Mr. Laruffa made a motion to go into Executive Session to discuss attorney client privileged communication. Mr. Scott seconded the motion; all present in favor.

Ms. Hubbard stated no action will be taken and that it was anticipated for this session to take about 15 minutes.

At 7:13 p.m. Mr. Jozefczyk made a motion to close the Executive Session and return to the regular meeting. Mr. Leondi seconded the motion; all present in favor.

APPROVAL OF MINUTES

Mr. Leondi made a motion to approve the minutes from January 11, 2023; Chariman Laury noted the meeting was in-person and the minutes needed to be corrected. Mr. Jozefczyk seconded the motion and the roll was as follows:

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

RESOLUTIONS

- 1) **RESOLUTION HONORING DR. GEORGE PARKER**
- 2) **RESOLUTION HONORING MICHAEL SYLVESTER**

Chairman Laury read the resolutions honoring former Chairman Dr. George Parker and former member Mike Sylvester.

3) SACKS, STACEY & JONATHAN # 23-22

6 Oak Pkwy.

Block 5047 Lot 19

“c” Variance Approval

Mr. Leondi made a motion to memorialize the resolution of the Zoning Board of Adjustment of Sparta Township of application #23-22 of Stacey and Jonathan Sacks decided on January 11, 2023. 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		

PUBLIC HEARING:

Chairman Laury announced it was the practice of the Board to adjourn the meetings at 10:00 p.m. and not to start any new applications after 9:30 p.m.

1) BENEVOLENT ACUPUNCTURE # 28-21

23 Mohawk Ave.

Block 5021 Lot 2

Amendment (minor alteration) – Technical Variance Relief. Decided April 27, 2022

Mr. Kienz announced the above application # will be carried to March 8, 2023; then he explained the notice for the public that was mailed out individually was satisfactory and that there was a problem with the newspaper notice. Therefore, the applicant will be republishing in the newspaper but did not have to re-notice the public.

2) EDWARD FEARS # 5-22

211 Woodport Rd.

Block 2001 Lot 1

Pending application - inactive since July 11, 2022

Mr. Kienz explained application # 5-22 was carried for about seven months and that the applicant never came back in. He added after giving them notice to come in they did not reply. Therefore, the application will be dismissed without prejudice which did not mean they could not refile.

Mr. Jozefczyk made a motion to dismiss the above application without prejudice. Mr. Leondi seconded the motion and the roll was as follows:

Mr. Laruffa	Yes	Mr. Leondi	Yes
Mr. Jozefczyk	Yes	Mr. Finkeldie	Yes
Mr. Rohrbacher	Yes	Mr. Scott	Yes
Chairman Laury	Yes		

3) MOORE, KERRY J. & EDWARD # 24-22

21 Natures Way

Block 3050 Lot 2

“c” Variance Relief

Kerry Jean and Edward Moore, 21 Natures Way were sworn in as well as Ken Wentik, P.E, L.S. 30 Old Clove Road in Wantage. Mr. Wentik stated his license was valid and his professional qualifications were accepted and recognized by the Board.

Daniel Benkendorf, Esq. on behalf of the applicants stated this was a 40,251 sq. ft. lot in the RR Zone and noted the applicants were before the board asking relief for two variances: impervious coverage and the distance of the pool from the septic field; Mr. Benkendorf noted they were not sure why that requirement existed since it was different than the State's requirement which they met. Then he mentioned Mr. Simmons's report referenced the two variances and additionally the fact that the fence existed over the property line; Mr. Benkendorf said after speaking with his clients, they said the fence will be readjusted in accordance with Mr. Simmons report and that they also agreed to move the pavilion and ultimately the pool to reduce the variance of the swimming pool setback from the septic disposal bed from 4' to 1'.

It was noted the Township Ordinance required 25' for the distance between the pool and the septic and added the State septic code allowed 20'. Mr. Wentik explained they met the State septic code, but not the local Ordinance and explained they could not meet this requirement because if they moved the pavilion another foot, they will also need a side yard variance. Mr. Laruffa noted Mr. Simmons's report listed the Sussex County Health Department as a required approval; Mr. Wentik did not agree with it and stated septic designs were a big part of his practice and added the Sussex County Health Department worked under the State Code.

Mr. Laruffa confirmed with the applicants that the septic system was replaced about three months ago.

Mr. Wentik mentioned in reference to the location of the pool and the grading of the yard, in the plan he prepared around the pool they made swales, this way all of the water or any water that came down through the yard will be channeled around the pool. Then he noted they put a dry well to the rear of the pavilion in order to channel the water that came down the lot into that dry well; he also noted on Mr. Simmons's report this was satisfactory. Mr. Benkendorf confirmed with Mr. Wentik that the grading around the pool was designed for the water to run towards the dry well; also, that the dry well will accommodate any of the excess water due to the impervious coverage being increased.

Mr. Wentik then explained they designed the swimming pool on a rectangular shape because this was a rectangular lot so it will fit better; he also explained if they tried to twist it, it just would not fit and that they will have to deal with diagonals instead. Then he said the location of the pool was also determined because they could grade around it and that they always tried to work properly. Mr. Benkendorf confirmed with Mr. Wentik that it will promote a desirable, visual, environmental, creative development technique and good civic design; Mr. Wentik said in his opinion, this was a good design because it would not be visible unless someone was in the backyard. Mr. Benkendorf also confirmed with Mr. Wentik that shrubbery will be provided around the backside of the yard as buffering from the rest of the neighborhood.

Mr. Wentik agreed that by providing the applicants with a pool this will promote health, safety, morals, and general welfare; also, that the benefits of granting this variance will significantly outweigh the detriment to the Township and the local municipalities.

Chairman Laury requested more information regarding the details for the pavilion; the applicants said it will be 20' x 18' kit that will be used for storage and to get out the sun. Chairman Laury then asked regarding the lighting of the pool; Mr. Moore said the pool itself had a lighting in it. Regarding the landscape and lighting plan it was noted any approvals will be conditioned upon Mr. Simmons review and approval.

Mr. Jozefczyk confirmed with Mr. Moore that the proposed concrete pad off of the proposed pavilion will be used for a picnic table. Mr. Scott mentioned Mr. Wentik said that the dry well was going to pick up all the water coming off the pool and noted the property line was just a few feet away below the level of the dry well; then he confirmed with Mr. Wentik that the contour for the dry well was 498 and for the property line 496. Mr. Wentik said the grading of the yard drained to the dry well for the water that was generated to go into the dry well when it rained. Mr. Scott then asked why the water did not just go to the dry well to keep going in a torrent; Mr. Wentik said they were trying to not create any more disturbance than absolutely necessary. Mr. Scott noted they were increasing the impervious coverage as well as the level of water; also, that the neighbor was two feet below. Mr. Wentik it would create more disturbance which they were trying to keep to a minimum. Mr. Scott also noted the water should not go on the neighbor's property; Mr. Wentik said the water was currently going there, when it rained and the water was running down. He added after this improvements it will be even less because they were going to receive any extra water and channeled it through their property.

Mr. Benkendorf stated they could redraw those specific contours (between 498 and 496), subject to the review and approval by Board Engineer.

The meeting was opened up to the public and there were no members of the public present expressing an interest in this application.

Mr. Leondi made a motion to have the Board Attorney prepare a resolution approving application for Kerry and Edward Moore #24-22, Block 3050 Lot 2, to install an in-ground swimming pool and pavilion with a variance for 5.3% impervious coverage and an additional variance for reduction in the septic field set back from the pool from 25' to 24'; with the following conditions: moving the existing fence onto their property condition of on the plan, obtaining Sussex County Health Department approval specifically on that septic field setback, Mr. Simmons review and approval of the lighting plan and grading plan and according to the Board Engineer's report and all plans and testimony submitted. Mr. Jozefczyk seconded the motion and the roll was as follows:

Mr. Laruffa	Yes	Mr. Leondi	Yes
Mr. Jozefczyk	Yes	Mr. Finkeldie	Yes
Mr. Rohrbacher	Yes	Mr. Scott	Yes
Chairman Laury	Yes		

With no further business, Mr. Finkeldie made a motion to adjourn the meeting at 8:07 PM. Mr. Leondi seconded the motion. All present in favor by unanimous voice.

Respectfully submitted,

Diana Katzenstein
Board Secretary