

MEMORIALIZING RESOLUTION OF THE  
PLANNING BOARD OF THE TOWNSHIP OF SPARTA  
APPROVING THE AMENDED SITE PLAN, C VARIANCES  
AND SITE PLAN EXCEPTIONS APPLICATION  
OF DELMAR WOODPORT, LLC, RELATING  
TO BLOCK 2014, LOTS 7 AND 8, 200 AND 210 WOODPORT ROAD  
AND LOCATED IN THE C-1 ZONE DISTRICT

DECIDED: June 21, 2023

MEMORIALIZED: July 19, 2023

APPLICATION NO. 706

**WHEREAS**, Delmar Woodport, LLC, with the address of 1 Main Street, Suite 9, Sparta, New Jersey 07871(hereinafter the “Applicant”) applied to the Sparta Township Planning Board (hereinafter the “Board”) for approval of a amended site plan, c variance and site plan exceptions in accordance with plans prepared by Douwe Dykstra, P.E., Dykstra Engineering, 11 Lawrence Road, Suite 1, Newton, New Jersey 07860 dated August 24, 2021, and bearing the last revision date of May 22, 2022 (the “Site Plans”); and architectural plans prepared by Elizabeth Reeves, RA, 22 Church Street, Newton, New Jersey 07860, dated July 12, 2021, and bearing the last revision date of September 29, 2021 and RCCA Floor Plans prepared by Kimmerle Newman Architects, 1109 Mt Kemble Avenue, Harding Township, NJ 07960 dated December 21, 2022 (the “Architectural Plans”); and

**WHEREAS**, the matter was discussed at a public hearing of the Board on June 21, 2023; and

**WHEREAS**, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Planning Board of the Township of Sparta and that all required provisions of procedural compliance have been filed with the Board; and

**WHEREAS**, the Planning Board of the Township of Sparta hereby makes the following findings of fact based upon the evidence submitted to the Board at the hearing:

1. The Board reviewed the following reports: report of the Planning Board Engineer, David Simmons, P.E., dated May 8, 2023; and report of Katherine Sarmad, P.P., AICP, Township Planner, dated June 16, 2023. Said reports are attached hereto and incorporated herein by reference.

2. The Planning Board reviewed the following exhibits:

A-1 Colored rendering of the amended site plan dated June 21, 2023.

A-2 The architectural plans from the 2022 preliminary and final site plan approval for the mixed use building.

3. The Applicant was represented by Counsel, Robert B. McBriar, Esq. The Applicant presented testimony by Jason Dunn, P.P., L.L.A, Owen Dykstra, P.E., and Elizabeth Dolan, P.E., Traffic Engineer. The Board recognizes and accepts the qualifications of Owen Dykstra as a Professional Engineer and Jason Dunn as a Professional Planner and Licensed Landscape Architect. The Board reviewed the qualifications of the Traffic Engineer,

Elizabeth Dolan, P.E., and based on her testimony found that Elizabeth Dolan was qualified to testify as a Traffic Engineer in this matter.

4. Mr. Dykstra explained the overall site plan and the changes that are being made. He explained that the Applicant is seeking to convert the proposed mixed use building plan, which included four apartments on the upstairs level, so that the upstairs will be solely used for medical offices in addition to the first floor by tenant named RCCA, which is a medical office that helps patients with cancer. He explained that the change has resulted in a change in the parking requirements and explained that they have also updated the plans to include the required Electric Vehicle (“EV”) Make-Ready parking spaces required in the recent statute of the State of New Jersey regarding EV Make-Ready parking spaces, and so they have provided four EV Make-Ready parking spaces, which entitles the Applicant to a bonus under the statute of four parking spaces and totals to a calculation that four counts as eight parking spaces. He also explained that medical office use requires more parking than required for the apartments, but that based upon the report of Elizabeth Dolan, he and Ms. Dolan are of the opinion that the proposed parking is adequate without any additional parking, although the ordinance requires 104 parking spaces. He explained that the Applicant has shown on the plans in green on A-1 a possible banked or reserved parking area that could be constructed if deemed necessary by the Township or by the Applicant in the future, but that in his opinion, it is unnecessary and would be unnecessarily disruptive of the residents across the street on Conestoga Trail. He also explained that the stormwater management

will remain the same, and that the current stormwater basin is being used temporarily in accordance with soil conservation requirements, as a soil sediment control basin. He testified that when the project is completed, the basin will be converted to a permanent stormwater management basin with a sand filtration bed at the bottom of the basin. He explained that it should not be landscaped in the sand filtration bottom, but that the sides of the detention basin could be landscaped. During the course of cross-examination, he and Mr. Dunn described some additional landscaping that will be planted on the site.

5. Mr. Dunn described the modifications to the site plan and the variances requested. He explained that the Applicant is seeking an impervious coverage variance of 53.1% on Lot 8, with Lot 7 having less than 40% coverage. He explained that this is similar to the coverage approved in the prior mixed use building application. Initially, upon discussions with the Board, the Applicant agreed to provide one very low income affordable studio unit in the existing building situated on Block 2014, Lot 7 with the deed restriction as previously proposed and reviewed, so that the Board finds that the Applicant can utilize the impervious coverage incentive of the ordinance and Code Section 18-8.5c to allow the coverage of 50% for Lot 8, and the Applicant continues to seek the variance to allow the 53.1% impervious coverage on Lot 8. The Applicant offered a condition, however, that the Applicant would accept the deed restriction that the entirety of both lots will never exceed 40% coverage and that the provision shall be enforceable by the Township of Sparta as a third-party beneficiary.

6. Both Mr. Dykstra and Mr. Dunn explained that the parking space waiver for a parking space size of 9 x 18 is appropriate in this development, because none of the parking spaces are front to front parking arrangements and all of the spaces allow for the car to overhang onto the curb and sidewalk area with appropriate additional space for the sidewalk so that the 20 feet of depth of the parking spaces is impractical and not necessary. He explained that there is no need for loading space, which were previously waived and requested the waiver from the loading space requirements. They described the proposed improvements. They described that the proposed appearance of the architectural plan, which will be substantially the same as the previously approved architectural plan as presented in A-2. He presented and explained A-2 to demonstrate the architectural appearance of the new building. They explained the location of the new building. They explained that the landscaping plan could be revised to provide for some additional shade trees along Woodport Road, for additional plantings along the sides of the detention basin and a natural landscape area with deciduous trees, evergreen trees, ornamental trees and shrubs in the area between the detention basin and the septic system on Lot 7.

7. Ms. Elizabeth Dolan testified regarding the parking variance and exceptions. She explained that, in her opinion, after studying the site and the Institute of Traffic Engineering ("ITE") manuals and reports, she is satisfied that the proposed 92 parking spaces will be more than adequate to provide parking for the proposed uses on the property. She explained that the ITE statistics justify some reasonable determination of shared parking on this property

because of the differences in the hourly parking needs for offices versus apartments, and that in her opinion there are more than enough parking spaces to meet on-site parking needs. She explained that additional parking spaces could be reserved or banked, but that, in her opinion, the additional parking spaces will not be needed. She also explained that the Applicant had previously obtained a Letter of No Interest from the New Jersey Department of Transportation (“NJDOT”) regarding the driveway and access arrangements, because the change in use does not trigger a requirement for NJDOT review of the site plan and that the highway access management proposal for using the existing driveways to Route 181, a State highway. She explained that as part of their review, the NJDOT also reviewed the driveways to Conestoga Trail and the intersection of Conestoga Trail and was still satisfied that it had no interest in the review. Various members of the public expressed questions and concerns.

8. The Board finds that the application should be approved as an amended preliminary and final site plan and related c variances and site plan exceptions. The Board finds in this regard that the benefits of the purposes of zoning include a provision of appropriate medical offices in a zone that allows medical offices and a provision of an affordable studio apartment in a zone, which allows for the apartments. The Board further finds that the benefits to the purposes of zoning include the provisions of appropriate civic design and appropriate landscaping. The Board finds that the benefits of the purposes of zoning outweigh the detriments, and there will be no substantial detriment to the public good and no substantial impairment of the zone plan and zoning ordinance

if the variances are granted. Therefore, the Board finds that the variance for impervious coverage should be granted pursuant to N.J.S.A. 40:55D-70c(2), subject to the conditions of this Resolution. The Board finds that the site plan exceptions should be granted pursuant to N.J.S.A. 40:55D-51 for waiver of loading spaces and waiver of the size of the parking spaces so that they can remain 9 x 18 feet in size.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Sparta, County of Sussex, State of New Jersey that the application of Delmar Woodport, LLC., for amended site plan, and related c(2) variances and site plan exceptions, is hereby granted subject to the following terms and conditions:

1. The terms of such approval are to be strictly in accord with the site plans, representations and testimony submitted to the Board herein, and same are incorporated into this Resolution by reference.

2. The Applicant shall comply with the following reports: report of the Planning Board Engineer, David Simmons, P.E., dated May 8, 2023; and report of Katherine Sarmad, P.P., AICP, Township Planner, dated June 16, 2023. Said report is attached hereto and incorporated herein by reference.

3. The conditions of the prior 2022 site plan approval shall remain in effect, except as modified by this approval.

4. The Applicant will provide one deed restricted, very low income studio unit in the existing building situated on Block 2014, Lot 7, consistent with the Council on Affordable Housing ("COAH") and Uniform Housing Affordability

Control (“UHAC”) deed restriction requirements of the State. The Applicant will deed restrict the total of both lots to a maximum impervious coverage of 40%. The deed restrictions are subject to the review and approval of the Board Attorney and the Board Engineer.

5. The Applicant shall prepare a revised landscape plan for review and approval by the Board Engineer that shall include the addition of native indigenous and noninvasive species around the stormwater detention basin as soon as possible and add at least three additional trees along Woodport Road. The Applicant shall add a natural landscape planted area with a variety of deciduous trees, evergreens and small ornamental trees and shrubs in the area between the detention basin and the septic system as described by Mr. Dunn.

6. All fees, taxes, assessments, escrows and other monies due to the Township of Sparta shall be paid in full.

7. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the property, including but not limited to the Sussex County Planning Board.

8. The Applicant shall comply with all statutes, ordinances, rules and regulations of the United States of America, State of New Jersey, County of Sussex, and Township of Sparta.

SPARTA TOWNSHIP PLANNING BOARD

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Dorrie Fox, Secretary

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Celeste Luciano, Chairwoman



I hereby certify that the within is a true copy of a Resolution passed by the Sparta Township Planning Board at a meeting held on July 19, 2023.

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Dorrie Fox, Secretary

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Celeste Luciano, Chairwoman