

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MEETING OF JANUARY 12, 2022**

The Zoning Board of Adjustment Meeting of the Township of Sparta was held by a Virtual teleconferencing system and was called to order by Chairman George Parker at 6:05 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: Kenneth Laury, Richard LaRuffa, Michael Jozefczyk, Michael Leondi, Michael Sylvester, LeeAnne Pitzer, Kelly McClurkin and George Parker

Members Absent: John Finkeldie

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

ADMINISTER OATH(S) OF OFFICE

Mr. Kienz sworn in LeeAnne Pitzer and Kelly McClurkin, new alternate members of the Zoning Board of Adjustment. Mr. Kienz asked Ms. McClurkin to sign the oath at the Township’s Planning/Zoning office in front of a witness and Ms. Pitzer to submit the signed copy in order to keep it on file.

Zoning Board of Adjustment Re-Organization

A. Election of Chairman

Mr. Kienz opened up the floor for nominations; Mr. Laury made a motion to nominate Dr. Tim Parker 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 Parker made a motion to nominate Ken Laury for Vice Chairman of the Sparta Zoning Board of Adjustment. Mr. Jozefczyk seconded the motion. All present in favor by unanimous voice.

C. Appointment of Attorney

Mr. 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. With no other nominations the motion was moved by unanimous voice and no members of the Board were opposed.

D. Appointment of Secretary

Mr. Laury made a motion to nominate Diana Katzenstein for secretary of the Sparta Zoning Board of Adjustment. Mr. Sylvester seconded the motion. With no other nominations the motion was moved by unanimous voice and no members of the Board were opposed.

E. Appointment of Board Engineer

Mr. Laury made a motion to nominate David Simmons for the Sparta Zoning Board of Adjustment Engineer. Mr. Sylvester seconded the motion. With no other nominations the motion was moved by unanimous voice and no members of the Board were opposed.

F. Appointment of Official Publication

Mr. Laury made a motion to nominate the official publication for the Sparta Zoning Board of Adjustment the New Jersey Herald and the Sunday New Jersey Herald. Mr. LaRuffa seconded the motion. All present in favor by unanimous voice.

G. Schedule of meeting dates

Chairman Parker read the schedule of the proposed 2022 meeting dates as presented. All present in favor by unanimous voice.

RESOLUTIONS:

RESOLUTION HONORING THOMAS MOLSKI

Chairman Parker read the resolution and mentioned a copy including all of the names of the members and professionals will be sent to Mr. Molski.

7-ELEVEN, INC. # 6-19

33 Pine Cone Lane

Block 2016 Lot 1

Extension of Preliminary and Major Final Site Plan Approval with Conditional Use Variance and Design Waiver Relief

Motion Introduced by: Mr. Laury

Motion Seconded by: Mr. LaRuffa

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Dr. George Parker – Chairman	X			
Kenneth P. Laury – Vice Chairman	X			
Michael Jozefczyk	X			
Michael Sylvester	X			
Richard LaRuffa	X			
Michael Leondi	X			
John Finkeldie				X

KAREN CASTELLANO # 24-21
592 West Shore Trl.
Block 4001 Lot 44
“c” Variance Approval

Motion Introduced by: Mr. Laury

Motion Seconded by: Mr. LaRuffa

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Dr. George Parker – Chairman	X			
Kenneth P. Laury – Vice Chairman	X			
Michael Jozefczyk	X			
Michael Sylvester	X			
Richard LaRuffa	X			
John Finkeldie				X

RACHEL WILSON # 26-21
12 Chickadee Terr.
Block 4008 Lot 63
“c” Variance Relief

Motion Introduced by: Mr. Laury

Motion Seconded by: Mr. Sylvester

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Dr. George Parker – Chairman	X			
Kenneth P. Laury – Vice Chairman	X			
Michael Jozefczyk	X			
Michael Sylvester	X			
Richard LaRuffa	X			
Michael Leondi	X			
John Finkeldie				X

SPARTA MANOR, LLC # 27-21
356 West Mountain Rd.
Block 22001 Lot 50
Use Variance Relief

Motion Introduced by: Mr. Laury

Motion Seconded by: Mr. LaRuffa

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Dr. George Parker – Chairman	X			
Kenneth P. Laury – Vice Chairman	X			
Michael Jozefczyk	X			
Richard LaRuffa	X			
Michael Leondi	X			
John Finkeldie				X

POPE JOHN XXIII HIGH SCHOOL # 19-21
Block 4017 Lots 71 & 72
Use Variance and Amended Site Plan Approval

Motion Introduced by: Mr. Laury

Motion Seconded by: Mr. Sylvester

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Dr. George Parker – Chairman	X			
Kenneth P. Laury – Vice Chairman	X			
Michael Jozefczyk	X			
Michael Sylvester	X			
Richard LaRuffa	X			
Michael Leondi	X			
John Finkeldie				X

Review of Annual Report

Chairman Parker referred to the reports submitted by Mr. Simmons and the Board secretary and noted the following summary of the status of the applications before the Board in 2021:

Applications withdrawn	-	2
Applications denied	-	1
Applications approved	-	22
Applications pending	-	6
Dismissed without prejudice	-	1

Chairman Parker also noted the Board should review the information and provide comments and/or recommendations, at the next meeting, concerning any ordinance amendments or revisions to the Township Council and Planning Board relevant to the Annual Report as required under the Municipal Land Use Law.

Mr. Simmons thanked the members of the Board for his re-appointment as the Sparta Zoning Board of Adjustment Engineer.

PUBLIC HEARING:

ROCK ISLAND LAKE CLUB, LLC # 7-21 – Status: INCOMPLETE

**485 Glen Road
Block 29001 Lot 95**

Chairman Parker announced revised plans were submitted earlier today regarding this application; he added that no information has been received from the County yet. This application will be carried to the meeting scheduled on March 2, 2022 if complete, and re-notice will be required. Mr. Kienz noted the 200 ft. list for this application should be updated.

THOMAS VEMAN # 21-21 – Carried from November 10, 2021

**2 Scudders Rd.
Block 25001 Lot 57**

Date of Action: March 10, 2022

Bernd E. Hefe, Esq. on behalf of the applicant noted they appeared before the Board on November of 2021 to request approval to construct a single family home on a vacant, undersized lot, located in the R-1 Zone. He added the lot was about a half of an acre; also, that besides the size of the lot, a side yard setback variance was required due to the narrowness of the property. Mr. Hefe mentioned the complete application was presented before the Board in the November meeting and that they submitted a new set of plans to address all of the comments received from the Board.

Mr. Hefe then mentioned an easement will be provided to alleviate an encroachment of the garage from the adjacent property and the following requests had been included on the revised plans: 1) the drywells on the property; 2) location and servicing of the propane tank; 3) revised architectural plans showing the front elevations and material that will be used. Then he added they had no issues with regard to Mr. Simmons review letter.

Fred Stewart, P.E and surveyor was sworn in. Mr. Kienz confirmed with Mr. Stewart that he had appeared before this Board on other occasions and that his professional license was still valid; therefore, the Board accepted his professional qualifications.

Mr. Simmons was also sworn in for the current year as a professional engineer and planner as well as a land surveyor, and it was confirmed that his licenses were still valid in the State of New Jersey.

Mr. Stewart referred to the plans submitted and revised on December 22, 2021 and listed the following changes:

1. An easement was provided around the encroaching garage which is located 4 ft. off the garage for maintenance purposes.
2. Underground propane tank will be located in the front yard between the home and the septic area where it will be easily accessed to be refilled.
3. Drywell for the roof runoff was added based on calculations according to the Township Ordinance regarding stormwater management.
4. The maximum height of the retaining walls is 3.5 ft. and wall stability calculations will be provided, if necessary.
5. Landscaping will be provided along the side of the property leading up to the drywell, on top of the wall in the rear, and near the front corner of the property.
6. The shoulder of Scudders Rd. was regraded to allow to a flat slope leading up to the driveway for a better sight distance.
7. County Health Department approval was received for the four (4) bedroom septic system and well.

Mr. Stewart then mentioned they proposed a stone trench along the driveway and noted Mr. Simmons suggested eliminating it and letting the flow go down into the roadway; Mr. Stewart agreed to it and confirmed a soil log will be done in the drywell area prior to obtain building permits. He added the following items 7.c. and 7.d. listed on page 3 of Mr. Simmons' report dated January 5, 2022 will be also addressed and that they acknowledge additional approvals were needed (listed on item 9).

- c. The proposed drywell and frame & grate must be designed to withstand H-20 loading. The Applicant's Engineer to make revisions to the design where necessary.
- d. A maintenance manual prepared in accordance with Chapter 8 of the NJDEP Best Management Practices Manual to be submitted. This document shall be recorded as per NJAC 7:8-5.8(d), upon review and approval.

Mr. Simmons confirmed he was in agreement with Mr. Stewart's email regarding his report and representation to the Board. Then he clarified the reason item 7.c. was requested is to avoid issues with the drywell since a vehicle could be driven to the deck area located in the rear of the property; also, that the soil log to verify it will operate as intended. Mr. Simmons noted the easement around the garage had to be defined by metes and bounds and reviewed by the Board professionals, if the Board approved the application; Chairman Parker confirmed with Mr. Simmons this will be done by deed; also, that as a condition the landscaping plan will be reviewed by Mr. Simmons' office and the line of sight proposed along the lot frontage will be inspected.

Chairman Parker asked Mr. Hefele to answer the questions that came up from the public at the previous hearing and mentioned one of the comments was that this would set a precedent for small houses along the area, Chairman Parker noted it was discussed this was a pre-existing non-

conforming lot and that the zoning in the area will remain the same; then he asked Mr. Hefele to address the drainage issues, also stated they tried to sell this property and the property owners of both adjacent lots were not interested in buying it. Mr. Hefele said regarding the drainage, he personally spoke with one of the neighbors and added Mr. Stewart's design was in compliance with the stormwater Ordinance, buffering had been provided and both of the homes located on Tracey Lane were substantially away from this property and had woods in between; Mr. Hefele stated Mr. Stewart had addressed the drainage design and the drywells, which will not cause any negative impact to the neighbors in terms of drainage. Mr. Stewart verified the runoff from the property will be directed to the drywell and that as far as the driveway, they will recontour the area to direct the runoff to Scudders Rd. and not onto the neighboring property, therefore there will be no negative effect in that sense. Chairman Parker asked Mr. Simmons if he had any comments in this regard; Mr. Simmons said he agreed with Mr. Stewart. Mr. Hefele then referred to the notices to the neighbors to buy/sell were provided to the Board.

Mr. Laury asked if a total side yard variance of 18.5 ft. was still valid; Mr. Hefele explained the home was re-positioned in a way to minimize the side yard variances required and confirmed this variance was still required. Mr. LaRuffa asked if the Township had any requirement for a utility easement in regards to the area along Scudders Rd. where regrading will be performed; Mr. Stewart explained Scudders Rd. has a 60 ft. wide right-of-way and that there was a distance of about 20 ft. from the edge of pavement to their right-of-way line, Mr. Simmons clarified a road opening permit will be required for the driveway and confirmed with Mr. Stewart the distance from the right of way to the septic system was 10 ft., which is the minimum required per code, therefore if the Township ever wanted to run a water line in that area there was quite a large distance to do it.

Chairman Parker opened the meeting to the public. Ken DiStefano was sworn in and asked about the response with regards that Scudders Rd. is the main artery for the entire back community with respect to entrance/egress with a construction area and vehicles coming in/out which will be a major safety issue; Mr. Stewart said it was mentioned at the last meeting that there were about one hundred (100) homes that had been constructed in that area with the same scenario of Scudders Rd. being the only way in/out, he noted they will constructing one (1) home and that the construction vehicles will have sufficient room to park on site within the driveway which is at least 80 ft. long, Mr. Stewart added as far as when they initially start the shoulder area is very wide and noted he had parked there and did not see any issues. Mr. DiStefano said that road was already unsafe with the volume of traffic. Mr. Hefele noted safety was a concern for the applicant also and said they were not going to block Scudders Rd. in any way with this construction; he added a tracking pad will be the first thing done in order to be able to park the construction vehicles on site and that it will be for a short period of time, also that the applicant will make sure the contractors are aware of that and stay off of the road as much as possible. Mr. Simmons suggested, based on the previous comments, confirming with the Sparta Township Police Department if any construction signage will be required before getting a driveway permit; Mr. Hefele agreed to it. Mr. Sylvester suggested, if possible, providing the schedule of work and checking with the Sparta Police if traffic control could be provided to take the neighbors concerns into consideration; Mr. Hefele also agreed to it.

Mr. Laury made a motion to have the Board attorney prepare a resolution approving application #21-21, Block 25001, Lot 57 for Thomas Veman to construct a new home with a right side-yard variance of 14 ft. and a total side-yard variance of 18.5 ft. with the following conditions: easement area for the garage encroachment to be placed into deed and to be reviewed by the Board attorney and engineer; landscaping and buffer plan to be submitted to the Board engineer's office for review, line of sight grading to be approved by the Board Engineer and before obtaining a driveway permit to confirm with the Sparta Police Department for signage and construction safety of the site

according to the plans and testimony submitted. Mr. Hefele asked Mr. Stewart to confirm the variances requested, Mr. Stewart stated one side yard was at 16 ft. and the total side yard of 41.5 ft. Chairman Parker confirmed the variances required will be 14 ft. and 18.5 ft as Mr. Laury said. Mr. Sylvester seconded the motion and the roll was as follows:

Mr. Laury	Yes	Mr. Jozefczyk	Yes
Mr. Sylvester	Yes	Mr. LaRuffa	Yes
Mr. Leondi	Yes	Chairman Parker	Yes

Mr. Kienz confirmed with Chairman Parker the new alternate members did not hear the recording of the first hearing of this application and Mr. Simmons left the meeting.

EUGENE & EILEEN BRUPBACHER #31-21

43 Ridge Road

Block 29001 Lot 1

Date of Action: April 9, 2022

Paul Ashworth, licensed architect 49 Old Creamery Rd. Newton NJ 07860; Eileen & Josh Brupbacher, 43 Ridge Rd., Sparta NJ 07871 and Kenneth A. Wentink, licensed P.E. and land surveyor 30 Old Clove Rd. Wantage NJ 07861 were sworn in. The Board recognized and accepted Mr. Ashworth and Mr. Wentink's professional qualifications and credentials.

Mr. Ashworth explained he designed a master bedroom suite on the first floor of Mr. and Mrs. Brupbacher existing residence due to the unfortunate health decline of Mr. Brupbacher and to avoid going up the stairs to access the master bedroom on the second floor. Mr. Ashworth then explained they were proposing to turn their current formal dining room into the master bedroom to minimize construction costs, also to add some space for a master bedroom suite, storage room and walk-in closets to mimic the size they have upstairs; this will be a single story addition of about 384 sq. ft. with a small porch area out in the rear. Mr. Ashworth noted this property is located in the RR Zone and that is almost 13 acres.

Mr. Wentink explained the proposed addition and deck will be located on an unimproved street shown on the tax map, also called Sparta-Milton road; Mr. Wentink stated he inspected the site and verified it is unused, impassable for regular size vehicles; he added Mr. Brupbacher had the power company put a gate across to block it. Mr. Wentink added the house to the south of their property was over 500 ft. away from their house; also, that the existing vegetation will cover the proposed addition, which will be 11 ft. from the right-of-way line of the unimproved street and the deck will be constructed 5 ft. from it. Mr. Wentink stated it was not possible to put the addition on the north side since the garage was already there and added the proposed location will not create any zoning issues. Mr. Wentink confirmed a front yard variance of 11 ft. will be required.

Mr. Laury confirmed the front yard setback required was 75 ft. and 64 ft. was proposed. Mr. LaRuffa asked who owned the unimproved road; Mr. Wentink said it was possible it was a municipal street; Mrs. Brupbacher added no one has ever been able to tell them who owns it and that it is an abandoned road; Mr. Wentink noted legal notice was sent to the utility companies regarding this application. Chairman Parker confirmed with Mr. Ashworth the height of the new addition was less than 35 ft. Mr. Kienz confirmed with Mr. Wentink that the unimproved road was not used, it only can provide safe ingress/egress for emergency vehicles/equipment and that safe ingress/egress to the property was provided by the existing improved roads in the area.

Chairman Parker opened the meeting to the public. There were no members of the public present expressing an interest in this application.

Mr. Laury made a motion to have the Board attorney prepare a resolution approving application #31-21, Block 29001, Lot 1 for Eugene & Eileen Brupbacher, 43 Ridge Rd. for an addition and renovation to the primary residence with a front yard variance of 64 ft. according to the plans and testimony submitted. Mr. LaRuffa seconded the motion and the roll was as follows:

Mr. Laury	Yes	Mr. LaRuffa	Yes
Mr. Jozefczyk	Yes	Mr. Leondi	Yes
Mr. Sylvester	Yes	Ms. Pitzer	Yes
Chairman Parker	Yes		

Chairman Parker asked Mr. and Mrs. Brupbacher if they would like to waive their rights to a written resolution, they answered yes. Mr. Laury made a motion to waive the applicant's rights to a written resolution. Mr. LaRuffa seconded the motion. All present in favor by unanimous voice.

With no further business, the meeting was adjourned at 7:25 PM.

Respectfully submitted,

Diana Katzenstein
Board Secretary