

**SPARTA TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MEETING OF FEBRUARY 9, 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 6:00 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: Kenneth Laury, Michael Jozefczyk, Michael Sylvester, Richard LaRuffa, John Finkeldie, Kelly McClurkin, Michael Leondi and George Parker

Members Absent: LeeAnne Pitzer

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

**MINUTES APPROVED:**

Mr. Laury made a motion to approve the minutes of January 12, 2022. 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	Ms. McClurkin	Yes
Chairman Parker	Yes		

**RESOLUTIONS:**

**1) THOMAS VEMAN # 21-21  
2 Scudders Rd.  
Block 25001 Lot 57**

Mr. Laury made a motion to memorialize the resolution of the Zoning Board of Adjustment of Sparta Township of application # 21-21 for Thomas Veman, for “c” variance relief; decided on January 12, 2022. 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

**2) EUGENE & EILEEN BRUPBACHER # 31-21  
43 Ridge Road  
Block 29001 Lot 1**

Mr. Laury made a motion to memorialize the resolution for application # 31-21 of Eugene & Eileen Brupbacher, granting a “c” variance relief; decided on January 12, 2022. Mr. LaRuffa 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

## **PUBLIC HEARING:**

### **1) QUEEN, RICHARD & LISA # 32-21 319 East Shore Trl. Block 3028 Lot 11**

Mr. Kienz stated back in 2008 an attorney from his office did a closing and prepared a modification of restriction on this property that did not involve any of the parties that were part of this application; he disclosed he did not believe he had any conflict. Mr. Lipari agreed with Mr. Kienz.

Mr. LaRuffa asked for clarification regarding the deed restriction and ownership of this property. Mr. Lipari stated Mr. and Mrs. Queen were the applicants and owners of the subject property, and when they initially filed the application, it was indicated that there was another owner as the property was under contract. Mr. Lipari added regarding the deed restriction and modification, it was his understanding they were in compliance with it and that there could be an interpretation issue.

Mr. Lipari added the restriction was put in place before 1990 to ensure that no further structure will be built on the lot; Ms. Sabine Watson, LMCC Engineer, had advised that due to drainage that ran from Springbrook Trail (southeast of the property) through the property to East Shore Trail, there were some drainage requirements that prevented any construction of a single family home on that lot. In the 1990's infrastructure was installed to make the drainage through the property redundant and the restrictions were then lifted or modified. Then Mr. Lipari noted the following setback restrictions listed on the modification: 1) 35 ft. front yard (consistent with the bulk requirements in the R-3 Zone), 2) 20 ft. side yard; Mr. Lipari noted they compared it to the Zoning Ordinance where it is stated that there shall be two side yards, one a minimum of eight feet with a total combination of 20 feet and based on that definition the proposed combined side yard was in compliance with the deed restriction modification.

Mr. Kienz mentioned there were actually four restrictions in the modification as follows:

- 1) Any Principal Structure erected on the Property shall have a thirty-five (35) foot minimum front yard set back;
- 2) Any Principal Structure erected on the Property shall have a minimum twenty (20) foot side yard set back;
- 3) Any Principal Structure erected on the Property shall have a width of no more than fifty-two (52) feet; and
- 4) Any Principal Structure erected on the Property shall have a depth of no more than fifty-eight (58) feet.

Mr. Lipari stated they were in compliance with all the restrictions. Chairman Parker asked where the proposed width was being measured from; Mr. Lipari said he will ask the architect to answer this question.

Mr. Simmons referred to his report dated February 8, 2022 and said he interpreted it as a minimum side yard of 20 ft. and mentioned on one side only 11.4 ft. was proposed. Mr. Kienz suggested to go forward with the hearing and noted the Board could revisit these restrictions.

Christopher Michael Wolverton principal of HQW Architects, LLC located at 14 North Village Blvd. Suite C Sparta, NJ. was sworn in and his credentials were recognized and accepted by the Board as a Licensed

Architect. Fred Stewart, P.E. and L.S from Stewart Surveying & Engineering 459 U.S-46 Kenvil NJ. was also sworn in as well as the applicants Richard and Lisa Queen, 9D Franklin Avenue Montville NJ.

Michael Lipari, Esq. from Mandelbaum Barrett, on behalf of the applicants, stated they were looking for approval to construct a single family residence; he added that due to the unique topography of the lot, a front yard variance was required as well as lot coverage; as a result of the increase in lot coverage, they were able to accomplish net zero increase in storm water runoff.

Mr. Queen stated they closed on this property on December 22, 2021 and that their intent was to build a modest three bedroom retirement home; he added they have been lifelong residents of New Jersey and that it was their desire to stay in the State.

Mr. Wolverton referred to the rendering of the exterior of the proposed structure (submitted with the application) and stated it was a three bedroom, three and a half bathrooms, two-story residence with a side loaded garage with a covered deck overlooking the lake. Mr. Wolverton noted the design will have a mixture of stone, hardie plank horizontal as well as vertical siding and wood. Then he referred to the drawings submitted (A-0 through A-4) and explained the 52 ft. were measured from the foundation wall of the garage to the foundation wall of the bonus and exercise room, as shown on the upper part of the basement plan. Mr. Wolverton then described the proposed interior design as well as the elevations.

Mr. Stewart referred to the plans submitted to the Board dated December 1, 2021; he noted the property was on East Shore Trail (Sussex County Route 613) with approximately 120 ft. of frontage along that roadway (with an average of 125 ft.). He described the topography of the site with the low point located along East Shore Trail (northeastern corner) and run uphill to the southwestern corner. Mr. Stewart noted there was a difference of about a 30 ft. in grade between these two points which equates to be about an 18% slope across the property), he added across the property there is an existing drainage ditch that has been abandoned due to other improvements such as newer homes and some drainage systems that have been put in place on Springbrook Trail. Mr. Stewart then noted since the property is located on a County Road the proposed driveway had to meet all the criteria required by the County regarding the sight distance Mr. Stewart said they met with the County out in the field and that it was determined that the best sight distance for the property will be near the north easterly corner west of an existing catch basin that the ditch was formerly draining to. Mr. Stewart explained the landing area in front of the proposed garage determined the placement of the driveway as well as the placement of the home and stated the slope standards required from the County were also met; he added a vehicle will have sufficient room to back out of the garage and make a turn to get back down the driveway and head straight out into East Shore Trail rather than backing out into it. Mr. Stewart then noted another criteria to determine the placement of the home was the location of the septic which will be in the front of the home to the right since the driveway will be on the left side of the property. He noted they were able to grade off from the roadway (which was another criteria from the County to improve the sight distance) to place the septic at the standard distance away from the boundary lines. Mr. Stewart explained the placement of the home on the lot due to the driveway and the septic caused to have the covered porch area located in the rear yard at 29.3 ft. where 35 ft. is required. Mr. Stewart noted the bulk of the home is at 35.5 ft. and added the second variance they were requesting was lot coverage, he stated the proposed building coverage was 14.7% where 18% is required and noted the oversized driveway and the landing area caused them to be over the required impervious coverage where 25% is required and 33.3% was proposed (about 783 sq. ft.). Mr. Lipari asked Mr. Stewart if he agreed the safety of being able to exit the property head first will outweigh any of the detriments in the slight increase of impervious coverage, Mr. Stewart agreed.

Mr. Stewart then stated a drain system was also proposed according to the Ordinance requirements and that they also had to meet 0% runoff net increase (for the County requirements) because the drainage system will be located within the County right-of-way. Mr. Stewart stated the proposed design was a roof inner system going into a primary drywell located within the driveway that will be converted to have H-20 traffic loading

lids and walls to support any vehicles on the driveway and with the overflow (clean water) going directly into the County drainage system (north easterly corner). Mr. Stewart added other drainage improvements were proposed on the site; stone-filled trench behind the wall which will collect some of the ground water and the surface runoff coming overland and directed into a second drywell located near the north easterly corner of the property, also that a grate will be placed on top of that drywell for visual inspections and to collect some additional runoff from the small lawn area along the driveway. Mr. Stewart stated on the other side of the driveway another site stone line trench was proposed which will direct the runoff down the hill towards a trench grate located across the driveway; then he noted, for the most part, the runoff from the driveway will be collected towards that trench and trench grate and then directed to the drywell that goes into the County drainage system. Mr. Stewart also clarified they applied to the County for the approval of this project and that this application was still under review. Mr. Lipari confirmed with Mr. Stewart that the stormwater more than exceeded the Township requirements.

Mr. Stewart then noted with regard to landscaping, there was a comment on Mr. Simmons' report about a proposed fence across the top of the wall for protection (as a safety barrier); after some discussion they came up with the idea of having a 4 ft. high black vinyl chain link fence that should go from the driveway where the wall exceeds 30 inches and along the boundary lines to the east and through the westerly boundary line up to the rear corner of the home; also that in front of the fence and behind the wall they will add some various shrubs and bushes as well as some trees in the front of the property. Mr. Stewart noted the landscape design will be subject to Mr. Simmons' approval. Mr. Lipari confirmed with Mr. Stewart that based on this testimony and the fact that there was no increase in the stormwater runoff, there will be no negative impact to this neighborhood and that the addition of this new home will improve the aesthetics and the character of the neighborhood and that it will be an overall improvement to the area.

Mr. Simmons referred to his report dated January 26, 2022 and said he agreed with Mr. Stewart's comments regarding the chain link fence; then he noted a waiver was required, based on the Township Ordinance, regarding item #3 of his report as follows:

3. **GRADING**

The proposed access drive comes off of East Shore Trail and runs along the easterly side of the proposed lot, with a profile of 15%.

Based on the proposed contours and existing grades, the retaining wall in this area will be up to approximately 8 feet ± high.

Section 18-5.3.n.5 limits walls to 4 feet high.

Section 18-5.3.n.6 limits fences and walls in the side and rear yards to 6 feet in height in combination with the wall.

The height of the "safety barrier" (fence) on the modular block wall section is specified as 3.5 feet high. Also, a wall height of 7 feet maximum is shown, but I believe it may be closer to 8 feet.

Mr. Simmons added when he did his field inspection he parked along East Shore Trail looking up at the subject property, there was a considerably sized drainage ditch coming through the property which indicated before any other drainage improvements were installed, there was quite a large flow through the property coming down towards East Shore Trail; he mentioned after driving around the area his assumption was that some of the homes in the next street up over the years had some storm drainage improvements or some diversion of some of the drainage area that came down into the subject property. He noted, according to the existing conditions map, the drainage ditch goes from the southwest corner to the northeast corner (diagonally through the property), and that the ditch will go through part of the proposed dwelling and that if the drainage had not been cut out, there will be drainage issues with the proposed home. Mr. Simmons also noted this will

be still subject to Mr. Stewart providing a drainage area map and calculations. Mr. Simmons then said behind the proposed retaining wall there was a proposed stone trench, approximately 2 ft. wide and 6 inches high; his concern was when the storm water from surface flow came down and intercepted the stone trench; if the stone trench had the capacity to carry water to the east and then along the driveway to the north to get it down to the County drainage without overloading the cross sectional area of the stone trench will come down in the driveway and causing erosion and damage. Mr. Simmons stated drainage calculations will have to be provided by Mr. Stewart and show that the stone trench was adequately sized, or if it needed to be larger as well as the size of the cross section.

Chairman Parker asked Mr. Simmons if planting trees in the front of the property will interfere with the sight distance; Mr. Simmons said they will have to meet the County regulations and that they will not impact the sight distance. Chairman Parker then mentioned they were proposing drywells on this property which required to have gutters from the house, and asked if the overhang will go over the 52 ft. listed on the deed restriction; he also noted the Board had no authority to change that restriction. Mr. Kienz noted the overhang would have to be included in the width measurements; after clarification Mr. Lipari stated they will conform to this requirement; Chairman Parker and Mr. Kienz agreed this could be a condition of approval.

Mr. LaRuffa mentioned the architectural drawings depicted on the left side yard that the basement had full height windows with light wells being constructed and noted they were about 4 feet out from the house; Mr. LaRuffa noted they were not shown on the site plan and asked if they were considered part of the structure, width (52 ft.) and impervious coverage, and where the drainage was located. Mr. Wolverton explained these windows are not typically constructed as part of the house foundation and agreed they should be added to the site plan; they should have drains at the bottom of each of the area wells and he would not consider them part of the foot print of the house. Mr. Stewart said if they were to have a gravel bottom he would not consider them to be impervious and also that drainage could be provided. Mr. Sylvester asked what the purpose was for this design; Mr. Wolverton replied the purpose was to bring additional light to the basement. Mr. Sylvester then asked if any other alternatives were considered; Mr. Wolverton said they could modify the size from 4 to 2 feet tall if necessary, and clarified they would prefer to keep the proposed design since it was the only natural light source for the basement, also that they could change the size of two of the windows and keep the windows on the left taller and use PVC for the window wells. Mr. Simmons agreed that according to the testimony provided the wells were not part of the foundation nor impervious; then he noted to the left of the westerly side on the retaining wall, about madhouse, some of the grading coming down on the stone wall is going to the left to the west then go around the 90-degree bend and down through the V-shape swale towards the septic area and East Shore Trail. He explained his concern was regarding the PCV window wells and added the grading will have to be redone in that area to ensure that the water will not be channeled down into those window wells. Mr. Stewart agreed with Mr. Simmons.

Mr. Laury asked the applicant to respond to the memo form Phil Spaldi, Director of Utilities dated January 11, 2022 that stated the following:

- The applicant has contacted the Water Utility to confirm that a proposed water connection can be made. A detailed Utility Plan was not submitted with the package nor have any specifics of a Utility Plan been discussed with the Water Utility. Nevertheless, the water connection should be fairly straight forward and can be approved for Zoning Board purposes as long as the Applicant understands that proper separation of water service from the septic design and other utilities must be maintained to receive final water approval.
- Once approvals for the project have been obtained (but prior to issuance of building permits), the applicant should contact the Water Utility to arrange for the water service tap to take place before Sussex County Road Division paves East Shore Trail in the Spring of 2022. At this time, we can finalize a Utility Plan that addresses construction materials and installation requirements such as separation from septic and other utilities, service line size, metering, etc.
- A water capital connection fee will be charged for the project. Miscellaneous inspection fees may also apply. The applicant should contact the Sparta Water Utility directly for more specific information regarding fee schedules.

Chairman Parker noted it will be a condition to comply with Mr. Spaldi's memo; Mr. Lipari agreed.

Mr. Sylvester asked what the purpose of the chain link fence going around about  $\frac{3}{4}$  of the property; Mr. Stewart stated it was proposed as a safety barrier due to the height of the wall.

Chairman Parker opened the meeting to the public. Brian Yost, 294 Springbrook Trail was sworn in; Mr. Yost noted his property was located on Lot 28 and that in between Lots 27 & 28 there was drainage that run from Springbrook Trail and down through the subject property and mentioned he could share a video showing the water flow; Mr. Stewart noted as stated by Mr. Simmons he will analyze the drainage pattern going towards the property to make sure it was addressed properly.

Josh Bunkers 292 Springbrook Trail was sworn in and noted the proposed home was 2,900 sq. ft. and that he did not consider it a modest-sized home compared to the homes in the area which were about half the size. Mr. Bunkers then mentioned the 35 ft. rear yard setback protected his lake view and that he believed the spirit of the zoning restrictions was to protect property owners in these circumstances. Regarding the 25% impervious coverage, Mr. Bunkers asked the applicants to stay within the restrictions, stating the drainage ditch was not abandoned and that he used it for the run off of his property as well as his neighbor Brian Yost from 294 Springbrook Trail. Mr. Bunkers said he would like to share a video for the applicants' professionals review and consideration. Mr. Lipari stated he would prefer not to have videos shared without knowing their authenticity or any details per Mr. Bunkers' testimony, dumping water into the Queen's property through these ditches was a violation of some nuisance law at the very least. Mr. Lipari then noted if Mr. Bunkers wanted to share that video with them, they could include it in their evaluation/stormwater calculations. Chairman Parker confirmed with Mr. Kienz that Mr. Bunkers could provide the information to the engineers and that if they could not work it out, they will have to come back before the Board. Mr. Kienz added that the information could be provided to the Board secretary and forwarded to the Board engineer for his review.

Kevin Duffy 288 Springbrook Trail was sworn in and referred to the 5.5 ft encroachment on the back of the home as well as the proposed impervious coverage which he considered excessive given the size of the lot and mentioned the storm of 2000; he added it was not a modest size home. Mr. Duffy stated LMCC did not allow chain link fences, then asked if a home could not exceed 35 ft. in height regarding the south exposure view where it was about 40 ft. high. Mr. Wolverton agreed and said they averaged grade to midpoint of the roof and that they met the requirements. Mr. Duffy added it will obstruct the view of many homes; and added the size and the scale of the proposed home will be a detriment to the surrounding properties.

Veronica Duffy 288 Springbrook Trail was sworn in and stated in the minutes from September 2005 Mr. Bellart made a statement to the Town to deed restrict the lot so as not build on it. Chairman Parker clarified the Board could only work with the information provided to them. Mrs. Duffy added in the Resolution that was adopted to allow the deed restriction, it was stated the 20-yard setback was for either side, not combined. Mr. Kienz mentioned the deed was modified and that the information provided by Mrs. Duffy was dated earlier than 2008; he added on April 10, 2007 a Resolution was adopted permitting release of the restrictions that were there, adding other restrictions that were discussed previously.

Andrea Slack 321 East Shore Trail was sworn in and stated she wanted to revisit the restriction regarding the 20 ft. setback and noted she has been in contact with the previous owners who agreed that it applied to both sides; she added the modification of May 15, 2008 allowed the property to be better centered within the lot. She noted the 12 ft. side was too close to the edge of her property, especially considering that it was where her primary entrance was located. Mrs. Slack then asked where the utilities will be located, specifically regarding the electrical feed which could be an issue with her line of work as well as the proximity of their electronics causing interference. Mrs. Slack added she considered the landing area by the garage was very large and that if it was shortened 8 ft. there will be still enough room to turn vehicles around. Then she addressed the overhang of the window structures that were on the side of the property towards her property being part of the

impervious coverage. Mr. Kienz noted the closest point was about 12 ft. and that at some point it was 14 ft; he also confirmed with Mrs. Slack that her property was about 6 ft. from the property line.

Mr. Sylvester noted there were mutual concerns from the residents and suggested further clarification before the Board proceeded. Mr. Kienz asked if the applicant had an approval from the LMCC, Mr. Lipari stated they made an application and that they were scheduled to be heard at the next meeting.

Mr. Laury made a motion to have the Board attorney prepare a resolution approving application 32-21 Block 3028 Lot 11 for Richard & Lisa Queen, 319 East Shore Trail to construct a single family home with the following variances: rear yard 5.7 ft. and impervious coverage 5.3% as well as the following conditions: the applicant comply with the Township's utility plan, principal structure measurements of 52 ft. (including the overhangs), drainage issues be reviewed by Mr. Stewart and Mr. Simmons, the fence be approved by LMCC, landscaping plan be submitted to Mr. Simmon's for review as well as the drainage calculations for the stone trench; according to all testimony and plans submitted. Mr. Leondi seconded the motion.

Mr. LaRuffa noted making a decision could be premature and vote on this application, considering the drainage issues especially on the narrow side of the house, the overhangs and the impervious coverage. Chairman Parker asked Mr. Simmons if moving the house about 2 ft. towards the driveway would make any difference without causing any safety issues; Mr. Simmons replied yes and explained that it would add about two steps to make K-turn, and noted the additional 2 ft. will help significantly with respect to the window wells and drainage. Chairman Parker suggested holding this application until the Board could get complete answers and stated it will be carried to April 13, 2022 without any further notice required.

**2) BLUE SKY PERFORMANCE & RESTORATION # 1-22**

**7 Aaron Way**

**Block 16001 Lot 19**

**Date of Action: May 4, 2022**

Jesse Barratt, 19 Chickadee Rd. Budd Lake NJ; Jeffrey Manzella, 9 Whitman Dr. Denville, NJ; Jason Dunn P.P. and Owen Dykstra, P.E. with Dykstra Associates, 11 Lawrence Rd. Newton, NJ were sworn in. Chairman Parker noted Mr. Dunn and Mr. Dykstra had appeared before this Board on several occasions.

James Polles, Esq. on behalf of the applicants stated the subject property was the site of a fully constructed 10,400 sq. ft. office flex space with a 2,645 sq. ft. mezzanine, located in the ED Zone. He added the applicants were seeking use of related variance relief for a business to repair, modify and restore classic automobiles and performance upgrades to modern vehicles within the existing building as well as custom fabrication. Mr. Polles noted some of these vehicles had historical value and price tags anywhere from \$150,000 and \$500,000; also that the ED Zone did not allow for the fabrication of classic and performance vehicles. Then he added overall Blue Sky averaged finishing only about 12 to 15 classic vehicles per year and that they were proposing to expand slightly the mezzanine to store parts and related materials as well as some office space in addition to replace the central doors of the building to create a showroom.

Mr. Barratt stated he had been in business with Mr. Manzella for about 16 years, also that their current location no longer allowed them to expand. He noted they found 7 Aaron Way had a great appearance that fit their business and that they were under contract to purchase this property. Mr. Barratt added, including them (owners and operators), they will be five employees on site and that if this approval was granted they had plans to hire two more employees and have visitors by appointment only. Then he noted typically they had about 20 cars that were stored indoors while in production; he added they anticipated to have between 25 and 30 at the subject site with about 12 in production. Then he explained that generally the process of automotive refinishing required them to sand the cars and that the dust that was created was contained in the prep station which had an air filtration system; he added the company where they will purchase the prep station from offered service plans as well as disposal services. Mr. Polles confirmed with Mr. Barratt that no signs were being proposed. Mr. Barratt also explained the custom spray painting area was a fire proof structure that

enclosed the car and dried out any over spray paint that did not go into the vehicle, he added it had a constant air flow and filtration system; also that this process (spray paint) was performed twice a week, one week out of the month; he noted it will take about 10 hours to spray an entire vehicle. Mr. Barratt then explained the paint was ordered per job and noted they did not store any large quantities or purchase any extra since the cost was between \$4,000 and \$6,000; he stated it was catalyzed paint which only allowed certain amount of time to spray it before it became solid and treated as solid waste. He also explained the mixing station was approximately a 2 ft. by 4 ft. certified fire proof cabinet where any paint that was left over was stored; then he said an absorbent mat was used to avoid any spillage on the concrete. Mr. Barrat clarified the biggest container used for paint was a gallon and that his spray gun could only hold one quarter at a time; also that in the rare event that a small amount of paint (one gallon) spilled on the ground, they have absorbent mat sheets and a product for automotive use (similar to cat litter) to absorb spills and contain them in a sealed container; he added they will contract with Safety Clean which is a company that specializes in hazardous material removal. Mr. Polles confirmed with Mr. Barrat that the entire floor at this location was currently epoxied which means liquid will not go through it; also that the applicants were not proposing to change it or add any type of venting to the floor. Mr. Barrat then explained any extra liquid paint was delivered with the vehicle and stated he was the only person that applied the spray paint.

Mr. Polles then confirmed with Mr. Manzella that the fluids in the cars had to be drained before they started any restoration project; Mr. Manzella explained they had specific devices and that the car are lifted up in the air to drain the fluids into catch tanks that could be adjusted to be very close to the drain location to minimize any spillage. Mr. Manzella added these fluids will be transferred into larger containers that will be picked up and recycled by Safety Clean; also that on average they will drain 5 to 6 cars per month at a maximum.

Mr. Dunn testified that this application involved a d (1) use variance. He noted that the Economic Development Zone allowed many similar uses that have similar products. He pointed out that trucking terminals were permitted as a conditional use in the Zone. He stated they recognized the close proximity to the Wellhead Protection Area which was listed as a Tier 2 environmental designation. Mr. Dunn said in his opinion will further the goals of the MLUL by enhancing the general welfare by providing a proven successful company that encouraged economic profit in the community. He highlighted that careful containment and handling of the minimal fluids as well as the fact that the autos were stored inside and that auto restoration was a desirable service in this community as well as a desirable visual environment. Mr. Dunn then stated that testimony was provided no hazardous waste would be discharged and that there were not substantial detriments to the Zone Plan.

Mr. Simmons referred to his report dated January 26, 2022 and noted that Mr. Dunn had replied and agreed with all of the items listed. Mr. Simmons stated there was a slight increase proposed for the impervious coverage as well as the use variance request. Mr. Simmons noted the main item was the Wellhead Protection area and any kind of hazardous waste, considering the proximity to the Township's main water supply.

Chairman Parker mentioned the report from Cpl. K. Morris dated January 28, 2022 indicating that an additional handicap spot might be necessary. Mr. Dunn noted the previous approval only included one space and that they will provide an additional space if necessary.

Mr. Laury asked if any bodywork was involved in the operation; Mr. Barratt said there was bodywork involved that did not required any major components and that it was performed at the prep station already described. Mr. Laury also asked if there were any other materials that will be considered hazardous besides the paint; Mr. Barratt answered no. Mr. Laury also asked for clarification regarding the proposed showroom; Mr. Manzella said they will use the glass frontage of 7 Aaron Way for that purpose and that customers will be allowed in this area. Mr. Laury also mentioned the memo from the Township Environmental Commission dated February 8, 2022 where the following comments were listed: Germany Flats Aquifer and White Lake proximity, Environmental Impact Assessment, refinishing booth certifications and waivers requested on the



Preliminary Site Plan Checklist. Mr. Sylvester asked if the applicant met the minimum requirements and if the applicants was willing to get some type of secondary containment as a protection alternative; Mr. Kienz stated that if the Board acted favorably a protocol should be established to significantly distinguish this type of use. Mr. LaRuffa asked if they were going to have any welding operations or other equipment to work on this cars; Mr. Manzella said they will have four two-post lifts and one four-post lift; which were self contained and used hydraulic fluid. Chairman Parker asked where the engines were stored as well as the process of cleaning them; Mr. Manzella said they did not re-build engines in house or transmissions in house and noted they sub-contracted with a company that completed this part of the process.

The meeting was opened to the public; Marilyn Chapman of 66 Hunters Lane was sworn in and raised concerns about the lack of an environmental study and safeguards/controls to preserve the aquifer. Christine Dunbar, 101 Wagon Wheel Rd., was sworn in and introduced herself as the Paulinskill Watershed Coordinator and stated an approval would set a bad precedent and suggested to stay on the side of caution and safety. There were no other 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 1-22 Block 16001 Lot 19 for Blue Sky Performance & Restoration, 7 Aaron Way to use an existing building for restoration and modification of classic and performance vehicles with an impervious coverage variance of 9.5% with the following conditions: limiting what material will be on site on how often they will be used, monitoring the flow of the stormwater per plan and subject to the review of the Board Engineer; existing water service line to be reviewed and approved by the Sparta Township Water Department; no engine or exhaust repair or cleaning done on site; no outdoor storage; written plan for spills to be provided; oils/fluid pick-up be done on a quarterly basis; paint container size limited to one gallon; and to implement the Police report regarding two handicapped parking spaces, according to all testimony and plans submitted. Mr. Sylvester seconded the motion and added the following conditions: proper spill prevention measurements to be taken, all local and federal environmental permits and exemptions to be obtained/met and the business to stay with the property. Mr. Laury accepted the additional conditions and the roll was as follows:

Mr. Laury	No	Mr. Jozefczyk	No
Mr. Sylvester	Yes	Mr. LaRuffa	No
Mr. Leondi	Yes	Mr. Finkeldie	Yes
Chairman Parker	No		

Chairman Parker mentioned a new regulation issued from the State regarding parking lots having charging stations for electric cars; he noted only a permit will be required. Also that all new commercial and multi-family developments were required to include them as well.

With no further business, the meeting was adjourned at 9:48 PM. All present in favor by unanimous voice.

Respectfully submitted,

Diana Katzenstein  
Board Secretary