

**SPARTA TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
MEETING OF APRIL 27, 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, Michael Jozefczyk, Richard LaRuffa, Kelly McClurkin, Michael Leondi, Michael Sylvester (joined at 6:08 p.m.) and George Parker

Members Absent: John Finkeldie and LeeAnne Pitzer

Others Present: Glenn Kienz, Esq., Board Attorney  
Louis Karp, Esq. (substitute for Mr. Kienz)  
David Simmons, Board Engineer  
Diana Katzenstein, Board Secretary

**MINUTES APPROVED:**

Mr. Laury made a motion to approve the minutes of February 9, 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

**INTERPRETATION:**

**CAMP SACAJAWEA**

**251 White Lake Rd.**

**Block 16001 Lot 24**

**Interpretation - Current Use**

James Kimball, 844 White Lake Rd. was sworn in; Chairman Parker noted Mr. Kimball submitted an application for an interpretation regarding the current use as a camp and the expansion of it at the subject property. Chairman Parker then mentioned the Board received Mr. Kimball’s letter in this regard and asked him if he wished to add anything to it; Mr. Kimball stated he listed the different events that the campground is rented for and said he really felt that they were operating as a campground. Chairman Parker also confirmed with Mr. Kimball that he had been operating the camp for about 10 years and that this camp had been in the area before 1964; also, that this was an expansion of a pre-existing non-conforming use which required an application for a “d” variance to be approved by the Zoning Board including a Site Plan that included parking information, Chairman Parker noted this could turned out to be a mini theme park.

Mr. Kienz suggested letting the applicant work with Mr. Simmons, Board Engineer, to come up with something that could be considered satisfactory in terms of surveying the property to provide sufficient information for the Board to consider. Mr. Simmons agreed with it and noted he could guide Mr. Kimball after he hired a consultant that could provide some information to his office and make suggestions on additional information needed that could be pertinent to this case.

Mr. LaRuffa asked if the Board had to take any action to finalize the interpretation; Chairman Parker noted a motion will have to be made to have the Board attorney prepare a resolution indicating that the applicant had to apply for a “d” variance. Mr. LaRuffa then asked the applicants about the reference of 2,000 to 5,000 people in the letter submitted with the application and noted it could generate traffic and sanitary use issues; Mr. Kimball clarified the range for the potential number of people was 2,000 to 3,000 on a single day.

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

Chairman Parker made a motion to have the Board attorney prepare a resolution reflecting that the Board answered the applicant’s questions for the interpretation and required him to come back for a “d” variance. Mr. Laury seconded the motion and the roll was as follows:

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

## **PUBLIC HEARING:**

- 1) BENEVOLENT ACUPUNCTURE # 28-21**  
**23 Mohawk Ave.**  
**Block 5021 Lot 2**  
**Carried from the ZBA meeting held on March 9, 2022**

Kenneth Fox, P.P. 546 State 10 Ledgewood, NJ; Thomas Graham, P.E. 21 Bowling Green Pkwy Lake Hopatcong, NJ; Vinu M. Patel, L.A. 200 Perrine Rd. Suite 202 Old Bridge NJ and Haizhen Yang 23 Mohawk Ave. were sworn in. Mr. Patel’s credentials were recognized and accepted by the Board as a Licensed Architect.

Mr. Benkendorf on behalf of the applicant stated the subject property is located in the TCCO Zone and noted the applicant was currently residing in the home (both upstairs and downstairs) and was seeking approval for a number of bulk variances as well as a “d” variance to keep the kitchen, dining room and access to the garage since the residential use was only permitted on the second floor in this zone. Mr. Kienz noted the majority of the “c” variances were pre-existing non-conforming.

Mr. Benkendorf confirmed with Mr. Patel, referring to Exhibit A-1 (existing conditions on the first floor), that there was an existing kitchen, dining room and sunroom that extended into the garage and to the outside; also, that there were two bedrooms, a bathroom, a living room and a foyer on this floor. Mr. Benkendorf then confirmed with Mr. Patel that the applicant was proposing to turn an existing bedroom into an office and the bathroom into the office bathroom and all of the other rooms will remain the same on the first floor.

In regards to Exhibit A-2 (Existing Use - Second floor) Mr. Benkendorf confirmed with Mr. Patel that there was no kitchen area or dining room, only a bedroom, a study room and a couple of closets.

Mr. Benkendorf then presented Exhibit A-3 (Proposed plans - First and second floor) and verified with Mr. Patel that, if the use variance was permitted, the proposed changes downstairs included three consultation (treatment) rooms, an office, reception area and a bathroom. Mr. Benkendorf noted there was a door that separated completely the residential and commercial use that will be turned into a wall, if required by the Board.

Mr. Fox stated that according to the proposed plans, the front half of the building (on the first floor) will be used for the acupuncture and the rear half will remain as residential. He noted the reason for the residential use on the first floor was that there was not enough room to create a full residential use on the second floor. Mr. Fox then noted this application still met the purposes of the TCCO Zone and that there was not negative impact by keeping the residential use on the first floor; then he mentioned expanding the commercial use on the first floor will require additional parking and that the site was constrained by that.

Mr. Graham reviewed the Site Plan submitted with the application and stated this was an existing undersized, relatively narrow and deep lot and noted the following pre-existing non-conforming conditions:

	<b>Required</b>	<b>Existing</b>
Minimum lot area	20,000 sq.ft.	9,677 sq. ft.
Minimum rear yard	60 ft.	39 ft.
Combined side yard	30 ft.	5.9 ft.
Maximum Impervious Coverage	40%	44.3%

Mr. Graham then explained the applicant was proposing to widen the driveway to create two additional parking spaces (one of them will be handicapped); he added there were not proposing changes or modifications to the exterior of the building; therefore the existing setbacks will remain the same. Then he noted the were proposing to increase the impervious coverage approximately 1,050 sq. ft. which will bring it up to 55.2% where 40% is allowed; Mr. Graham added they were proposing a 9 sq. ft., 6' tall, double sided free standing sign located near the driveway at the intersection with Mohawk Ave. In regards to the parking requirements, he noted between the residential/business component 10.3 or eleven spaces were required by the Ordinance and explained they were proposing a total of six parking spaces: two garage spaces, two delineated in front of the garage door and two in the front yard dedicated to the business operation; Mr. Graham then explained the use of the spaces will be as follows: one of the spaces in the garage will be for the resident (as well as the space immediately outside of it) and the other one for the owner of the business, the remaining spaces will be dedicated to the business/commercial operation.

Regarding the stormwater management required by the Ordinance Mr. Graham stated they were addressing the increase in two ways: with a trench grate drain right in front of the garage that discharged in the rear yard which was done prior to the Site Plan being presented before the Board, and explained they were proposing to collect surface runoff from the driveway and a portion of the roof and take it to a drywell out in the front and pipe the existing point discharge in the back into an infiltrator system. Mr. Graham stated between the proposed front and rear drainage they will collect approximately 1,500 sq. ft. and infiltrate it to the ground, by doing that only 40% impervious coverage will be surface runoff from the property (net effect). Mr. Graham then confirmed they received Mr. Simmons's report dated December 23, 2021 where he suggested a test hole be performed in the area of the drywell; he added they will provide the plan revisions requested by Mr. Simmons. Then he mentioned there was a question regarding the proposed guiderail along the existing wall between the property immediately to the north and their driveway, where there was about a 3 ft. change in grade due to the retaining wall; Mr. Graham stated the detail provided in their plan was incorrect and clarified they could still have 24' (between the building and the guiderail) which was required for a two-way driveway access; he added this revision will be provided to Mr. Simmons for his review and approval. Then he noted there was no additional landscaping proposed as part of this application and regarding lighting a light bulb was proposed (residential type).

Mr. Benkendorf confirmed with Mr. Graham one bedroom was for residential use which required two parking spaces and noted the applicant was willing to divide the garage to separate the commercial and residential use. Also, that the residential entrance will not be used to access the building.

Chairman Parker asked if the doctor (acupuncture) will also be leaving in the house, Mr. Benkendorf replied "no"; then he asked if the resident will be a renter, Mr. Benkendorf replied "yes". Chairman Parker also asked for clarification regarding the delineation of the parking spaces (including the ADA space); Mr. Graham noted one of the ADA space was the one closest to the building with a symbol in it, another parking space was provided between the striped area and the double tree sign and two more in front of the garage; Mr. Graham clarified the two spaces inside the garage were not delineated. Chairman Parker then asked if six cars were parked at the same time, was it possible for any of them to make a K-turn to leave the property without having to back out into Mohawk Ave.; Mr. Graham said the handicapped access could be used for any car to back up and make a K-turn to pull out. Chairman Parker noted the driveway was set up originally for a single family home and expressed his safety concerns regarding the 3' drop, then he asked what type of railing was being proposed as well as the height and if any reflectors will be used, Mr. Graham referred to page 2 of the plans submitted and noted they were proposing to use a wood beam guiderail, 2 ½ ft. above grade with a 2 ft. beam; Chairman Parker also asked if it was visible for a car backing up, Mr. Graham noted reflectors could be added; then he confirmed there will be no lights on the sign and noted the business will be operating only during daytime hours; Chairman Parker asked Mr. Graham if the rail was high enough, Mr. Graham replied "yes" and noted they will comply with the DOT requirements and that it could be modified, if necessary.

Mr. Benkendorf confirmed with Ms. Yang that the acupuncture services will be provided by appointment only, one patient at a time every half hour, and that currently she had no employees, Ms. Yang added said she might have one employee in the future and that she will be parking in the garage if the application is approved by the Board.

Mr. Laury asked how bright the lights will be in the parking area, Mr. Graham replied they were proposing 1' candle by the doorway and 0.5' candle getting further away, he stated it will be brighter than a typical residential; Mr. Simmons noted one of his requests was, subject to approval from the Board, some additional point values to be provided in order to verify the lighting intensity in the whole parking area, he added 1' candle was the minimum standard for a parking lot and that he wanted to verify the other areas were adequately lit as well. Mr. Laury then referred to the Environmental Commission memo and Mr. Graham addressed their comments as follows: 1) existing impervious coverage exceeded the allowable and it will be increased to about 55%, Mr. Graham reiterated that in his opinion, the proposed stormwater management and infiltration will bring the entire site down to 40% and that they were compensating for the existing overage and accommodating the proposed additional 2) use of permeable pavement was suggested, Mr. Graham said he did not recommend the use of permeable pavement in traffic areas, he explained over time the constant loading will almost make those areas impermeable and added they will need more maintenance as opposed to the walkway from the parking area to the front door where permeable pavement could be used; then he noted being such a small area he did not believe there will be any real benefit from it. Mr. Simmons agreed with Mr. Graham regarding the storm drainage, as well as with the proposed drywell and recharge infiltration system in the rear part of the parking lot being the better options in this case, subject to excavating the test area to verify the soils were appropriate for the drywell in the proposed area.

Mr. Simmons noted this property was located on County Route 620 and suggested as a condition of approval to request confirmation of agreement from the County in regards to the proposed drainage system.

Mr. Jozefczyk asked if the front sign illuminated, Mr. Graham replied “no”. Mr. LaRuffa mentioned on the architectural plans the partition walls between the residential and the commercial spaces did not show any fire rating and asked if this was required, Mr. Patel replied “yes” and stated it will be added to the plans; Mr. Laruffa then mentioned on the architectural plans the handicapped ramp was different than the one shown on the Site Plan which had a “U” shape, Mr. Patel noted the information on the Site Plan was more accurate; Mr. Laruffa also asked if it was appropriate to mix commercial and residential use in the garage, Mr. Patel noted the garage was very narrow (18’ wide) and that it was not possible to put a partition between the two spaces. Mr. Laruffa then noted regarding the number of people in the parking area, it was mentioned one patient will be seen every half hour and noted there were three consultation rooms; Ms. Yang stated the reason why they had three consultation rooms was in case of emergencies or if a patient needed to stay additional time.

Mr. Simmons referred to his report dated December 23, 2021 and added the following: 1) with regards to the free standing sign on Sheet 2 of 2 of the Detail Plan on the bottom right hand corner showed the sign to be lit 25, Mr. Simmons asked if that was still the intend; Mr. Benkendorf said they will make that correction on the plan; 2) Mr. Simmons expressed his concern about having sufficient room for the proposed guiderail, and noted Mr. Graham stated he will provide another detail; Mr. Simmons added the access drive had to be 24 ft. wide as per Section 18-5.3h1o and suggested to consider changing the 24 ft. to 22 ft. and grant a variance for it to give the applicant the additional 2 ft. to put the guiderail, and to use steel posts instead of wood beams to make it more protective and structurally sound.

The meeting was opened to the public; Predell Tynes, 21 Mohawk Ave. was sworn in and expressed his concern regarding the drainage and explained Ms. Yang put in her driveway a 15 to 16 ft. ground drainage that was connected to the gutters. Mr. Tynes at first this drainage run into his parking lot and added he talked to her about it and that she refused to move it, then he notified the Township and they asked her to do it, however it still drained into his parking lot. Regarding the railing, Mr. Tynes said in his opinion wood could not hold a car back and added he had a ramp for the handicapped on that side of his property where people walked in/out. Chairman Parker noted these issues were already discussed and Mr. Tynes agreed.

Mr. Laury made a motion to have the Board attorney prepare a resolution approving the Site Plan and Use Variance application # 28-21, Block 5021 Lot 2, 23 Mohawk Ave., with impervious coverage variance of 15.2% and a parking variance for six spaces with the following conditions: additional lighting point value to be provided to the Board Engineer, approval from the County regarding the drainage plan, add reflectors to the guardrail and use steel posts covered with wood, meet DOT requirements, and grant a variance for the access drive to be 22 ft. instead of the 24 ft. required; according to all plans and testimony submitted. Mr. Jozefczyk seconded the motion and the roll was as follows:

Mr. Laury	Yes	Mr. Jozefczyk	Yes
Mr. LaRuffa	No	Ms. McClurkin	Yes
Mr. Leondi	Yes	Mr. Sylvester	Yes
Chairman Parker	No		

Mr. Kienz left the meeting and Mr. Karp joined the meeting.

**1) CHABAD OF SUSSEX COUNTY # 30-21**  
**266 Woodport Rd.**  
**Block 2006 Lot 27**  
**Carried from the ZBA meeting held on March 9, 2022**

Chairman Parker announced this hearing was a continuation from the meeting held on March 9, 2022 and confirmed with Ms. McClurkin that she listened to the recording; also, that there were six members who would be able to vote on this application.

Mr. Benkendorf on behalf of the applicant stated on March 9, 2022 Mr. Fox L.A. and P.P. Mr. Graham P.E. provided testimony and that the Board requested the plans to be amended. Mr. Benkendorf then mentioned Mr. Kienz had a concern regarding the legal notice, Mr. Benkendorf explained a conditional use was being requested and if all of the conditions were not met the application will require a use variance which was included in the notice for the pre-existing undersized lot.

Mr. Graham referred to the Site Layout Lighting and Landscaping plan dated 3/10/21 and last revised 4/13/22; Mr. Graham noted this plan as well as the grading plan (with the same revision date) was provided to the Board. Then he explained the changes that were made as follows : 1) the use of the existing garage will be maintained by providing a depressed curb along the driveway as well as a concrete apron leading from the roadway over the depressed curb to the garage doors; 2) regarding the access to the site from the roadway they were proposing a set of stairs to lead from the roadway up to the level of the proposed parking lot (in the southerly portion of the property) and added a sidewalk around to provide access to the proposed building addition; 3) Mr. Graham stated they contacted New Jersey Transit and Lakeland Bus, then he noted there was a sign shown on the plans previously that said "curve ahead", Mr. Graham said that sign post actually had three different signs on it (curve ahead, New Jersey Transit Bus Stop and another line that referred to the Lakeland Bus); Mr. Graham then noted there was a bus stop sign across the street in front of the attorneys office, also that he had contacted a representative from Lakeland Bus and confirmed they were current and active bus stops, safe for people to walk to and wait to be picked up by a bus; Mr. Graham added there was a "no parking" sign on the side post directly in front of the Chabad and noted anyone who would want to utilize this existing active State run bus stop would have to walk along the existing roadways. Mr. Benkendorf confirmed with Mr. Graham the conditional use required a 75,000 sq. ft. size lot and that this lot was non-conforming at 36,209 sq. ft.

Mr. Benkendorf then confirmed with Mr. Fox that they were keeping the existing two garage doors on the side of the building which were shown on the plans submitted with the application; also that the chairs that will be used will be stackable/foldable, Mr. Fox added no permanent furniture will be provided in that section of the building. Mr. Fox stated this property was located in the R-3 Zone where a Church or Institutional Use was allowed as a conditional use and that of all of the conditions were not met and clarified it was a pre-existing non-conforming site; he added a d3 variance inferred that the use was allowed and they had proved that the condition that was not met was not detrimental to the application; also that a traditional church would have larger groups as well as a larger need for parking; Mr. Fox added the proposed use was for less people coming to the site than to a traditional church, therefore it did not require the same size lot. Mr. Fox noted the next property on the western side across the street was currently a church and added there was no negative impact regarding the size of the lot. Chairman Parker asked if the maximum occupancy had been determined, Mr. Fox said it was 45 and noted according to the fire regulations occupancy below 49 did not require sprinkler system.

Mr. Benkendorf confirmed with Rabbi Mendel Dubov that the proposed use was for people to study.

Mr. Simmons referred to his report dated April 21, 2022 and noted Mr. Graham mentioned Sheets 3 and 4 of the Site Plan were last revised on 4/13/22 and noted they were provided after his report was issued. Mr. Simmons added regarding the storm drainage the Environmental Commission recommended using porous pavement and noted the applicant had added two drywells which addressed the increase in the stormwater runoff to their satisfaction, in addition to the proposed inlets where the driveway intersected Route 181 and tying into the State's existing drainage system; Mr. Simmons said they will have to go to the DOT for modification of their access as well as tying into the storm drainage system and noted in the area of the bus stop sign on Route 181 there was no sidewalk only a paved shoulder, then he said he had a concern with the modification to the plan, regarding the access for people walking to the site, and explained where the steps going down were shown there was no sidewalk and there was a steep embankment that was not conducive for walking off the pavement on that area, Mr. Simmons said he was also concerned about the amount of sight distance for a vehicle traveling north on Wordsworth Place down towards 181 (coming around that corner), he noted if somebody was coming down those steps to the pavement, it might not be enough stopping sight distance for a driver to notice a pedestrian coming down in that area, he noted it was almost promoting a midblock crosswalk and suggested further analysis in this respect and probably input from the Sparta Police Department. Chairman Parker asked Mr. Simmons, regarding the request from the Environmental Commission for native plants to be used, if the applicant will submit a landscaping plan for approval; Mr. Simmons mentioned they had put together some additional landscaping and added a planting bed down by the intersection of the driveway with Route 181, Mr. Simmons noted details of what was going to be planted were not provided.

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

Mr. Laury made a motion to have Mr. Karp prepare a resolution approving application # 30-21, Block 2006 Lot 27, 266 Woodport Rd. for conditional use approval along with a use variance and the following variances: side yard 13.6 ft., rear yard 38.9 ft. and building height 1.1 ft. and the following conditions: parking lot lights to be turned off by 9:30 p.m.; building samples to be provided to the building department and landscape plan subject to approval from the Board Engineer, safety plan approved by the Police Department and Board Engineer and an as-built plan to be provided; according to all plans and testimony submitted. Ms. McClurkin seconded the motion and the roll was as follows:

Ms. McClurkin	Yes	Mr. Laury	Yes
Mr. Jozefczyk	Yes	Mr. Sylvester	Yes
Mr. LaRuffa	Yes	Chairman Parker	Yes

With no further business, the meeting was adjourned at 8:11 PM. All present in favor by unanimous voice.

Respectfully submitted,

Diana Katzenstein  
Board Secretary