

NEILL W. CLARK, ESQ.
224 Springbrook Trail
Sparta, New Jersey 07871

ANAND DASH, ESQ.
17 Ponderosa Trail
Sparta, New Jersey 07871

April 4, 2022

**VIA HAND DELIVERY AND
ELECTRONIC MAIL**

Diana Katzenstein, Secretary
Sparta Township Zoning Board of Adjustment
1 Main Street
Sparta, New Jersey 07871

**Re: N.J.S.A. 40:55D-70(b) –Application for Interpretation
33 Demarest Road, Block 12008, Lot 23
Diamond Chip Realty LLC, Planning Board App. No. 689**

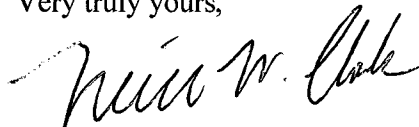
Dear Ms. Katzenstein:

The undersigned, Anand Dash and Neill W. Clark, acting *pro se*, are owners of property located in the Township of Sparta. We hereby respectfully submit an application for interpretation (the “Interpretation Application”) to the Zoning Board of Adjustment of Sparta Township (the “Board”), pursuant to N.J.S.A. 40:55D-70(b), in connection with an application for preliminary major site plan approval filed with the Sparta Township Planning Board by Diamond Chip Realty LLC on or about November 15, 2021 (the “Planning Board Application”). A courtesy copy of the Interpretation Application has been submitted to the Planning Board. To date, no action has been taken on the Planning Board Application.

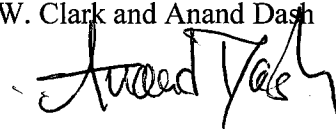
Upon the Board’s review of the Interpretation Application, please advise of the appropriate escrow fees required by the Township and any other information that may be required to deem the Interpretation Application complete. We will be pleased to furnish same accordingly. Kindly also advise once this matter has been scheduled for a public hearing.

Thank you for your attention and courtesies to this matter.

Very truly yours,



Neill W. Clark and Anand Dash



Diana Katzenstein, Secretary
Sparta Township Zoning Board
April 4, 2022
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Enclosure

cc: Diana Katzenstein, Secretary, Planning Board of Adjustment, Sparta Township
Mayor David Smith, via e-mail
Thomas F. Collins, Jr., Esq., Planning Board Attorney, via e-mail
Thomas N. Ryan, Esq., Sparta Township Attorney, via e-mail
Glenn Kienz, Esq., Zoning Board of Adjustment Attorney, via e-mail
Peter Steck, Professional Planner, via e-mail

**SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT
APPLICATION**

DATE OF FILING	APPLICATION # _____
FOR OFFICIAL USE ONLY	

BLOCK 23 **#LOT(s) #** 12008 **LOCATION** 33 Demarest Road **ZONE** ED

Name Of Applicant:	Anand Dash and Neill W. Clark		
Mailing Address:	17 Ponderosa Trail, Sparta NJ 07871 & 224 Springbrook Trail, Sparta NJ 07871		
Telephone Number:	862-266-2067 & 215-432-0164	E-mail address	adash00@gmail.com
			nclark526@gmail.com
Name Of Owner <i>(If different than Applicant)</i>	N.A.		
Mailing Address:	SAME AS APPLICANT		
Name, Address & email address of Attorney: <i>(if Applicable)</i>			
<i>Pro se</i>			
Name, Address & email address of Engineer, Surveyor, Architect, etc.: <i>(if Applicable)</i>			
Peter Steck, Community Planning Consultant steckplan@gmail.com			
80 Maplewood Avenue			
Maplewood, New Jersey 07040			

VARIANCES REQUESTED:			
"A" VARIANCE"	<input checked="" type="checkbox"/>	Interpretation	
"C" VARIANCE:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Front	Rear	Side Yard
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lot Area	<input type="checkbox"/>	<input type="checkbox"/>
	Impervious Coverage	<input type="checkbox"/>	<input type="checkbox"/>
	Height	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Width at Bldg. Setback Line	Road Frontage	Construction on Unimproved Road
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Setback from Stream or Lake	Other:	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Building Coverage (R-3 Zone only)
"D" VARIANCE:	<input type="checkbox"/>	<input type="checkbox"/>	
	Use Variance	Site Plan	

NATURE OF REQUEST: (e.g.; to construct house, deck, addition, etc.)
Application for interpretation of Zoning Ordinance 21-01 pursuant to NJSA 40:55D-70(b). See Attached Rider

1. The Building or Structure will be _____ dimensions / _____ square feet

2. Existing and proposed setbacks are as follows:

- a) *Front Yard Setback:* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- b) *Rear Yard Setback:* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- c) *Right Side Yard Setback:* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- d) *Left Side Yard Setback:* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- e) *Total Side Yard Setback:* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- f) *Road Frontage* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- g) *Lot Width at Bldg. Setback* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- h) *Height of Bldg./Structure* Existing _____ ft. Proposed _____ ft. Required _____ ft.
- i) *Lot Area/Size* Existing _____ sq. ft./acreage _____ Required _____ sq. ft.
- j) **Impervious Coverage:* Existing _____ % Proposed _____ % Required _____ %
(* Areas that are impermeable to water - i.e.; portions of property that are covered with buildings, walkways, driveways, etc.)
- k) *Building coverage (R-3 Zone)* Existing _____ % Proposed _____ % Required _____ %
- l) *Other:* _____ Existing _____ Proposed _____ Required _____

3. Has an application involving this property ever been made to the Zoning Board of Adjustment or Planning Board?
No _____. If the answer is "YES", date and nature of application An application for interpretation has not been made to the Zoning Board but there is a pending land development application for this property pending before the Planning Board.

4. Describe the **exceptional conditions** of the property that prevent compliance with the Zoning Ordinance e.g.; topography, lot configuration, lot size, etc.:
N.A.

State of New Jersey, County of Sussex, SS:

Anand Dash & Neill W. Clark, being of full age, and duly sworn according to law, do hereby certify that the information presented in this application to be true and accurate.

Sworn to and subscribed before me this

4th day of April 20 22

Notary Public

Gina Muth
GINA MUTH
 NOTARY PUBLIC, STATE OF NEW JERSEY
 COMM. #50122737
 My Commission Expires 02/18/2025

Applicant's Signature

Anand Dash & Neill W. Clark

RIDER TO APPLICATION FOR INTERPRETATION

Statement of Jurisdiction

Anand Dash and Neill W. Clark (“Applicants”) are property owners within Sparta Township and are therefore interested parties whose right to use, acquire, or enjoy property is or may be affected by an action taken under the Sparta Comprehensive Land Management Code and under *N.J.S.A.* 40:55D-4. The Sparta Township Board of Adjustment has jurisdiction to hear the within application for interpretation pursuant to *N.J.S.A.* 40:55D-70(b) and §18-3.3j(2) of the Sparta Comprehensive Land Management Code which provides that the “Zoning Board of Adjustment shall have such powers as are granted by law to hear and decide requests for interpretation of the map or Zoning Ordinance, or for decisions upon other special questions which such board is authorized by the Zoning Ordinance to pass.” *See e.g., DePetro v. Township of Wayne Planning Bd.*, 367 N.J. Super 161, 169 (App. Div. 2004) (ruling that [i]f plaintiffs sought a determination as to whether the use proposed by [applicant] was permitted in a “b” zone they should have filed a request for interpretation with the Board of Adjustment and established a record in that forum.”); *See William M. Cox, New Jersey Zoning and Land Use Administration* § 18.2.2 (2022).

Request for Interpretation

Whether the proposed application by Diamond Chip Realty, LLC, pending before the Sparta Township Planning Board, Application No. 689, is for the use of a premises for the temporary parking of motor vehicles between trips and for the transfer of freight between trucks or between trucks and rail facilities for shipment elsewhere and where the storage of freight or cargo is only temporary and is therefore a conditional use under ED Economic Development District, § 18-4.29 of the Sparta Comprehensive Land Management Code and Ordinance 21-01¹, or alternatively whether the proposed application is for the use of a building used for the temporary storage of goods, materials, or merchandise for later or subsequent distribution or delivery elsewhere for purposes of processing or sale and is therefore a permitted use within the ED Economic Development District, § 18-4.29 of the Sparta Comprehensive Land Management Code and Ordinance 21-01. or is otherwise for a use not permitted in the ED Economic Development District.

¹ Titled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE TO UPDATE AND AMEND SECTION 18-4.29 ENTITLED ED ECONOMIC DEVELOPMENT DISTRICT” AND SECTION 18-4.35 ENTITLED “PDRM-1 PLANNED DEVELOPMENT AND RESOURCE MANAGEMENT-1 DISTRICT

Materials In Support of Application

Applicants incorporate by reference Application No. 689 and all materials and documents submitted therewith filed by Diamond Chip Realty, LLC on November 15, 2021 before the Sparta Township Planning Board.

In further support of this Application, Applicants will rely upon, *inter alia*, documents and testimony submitted by Peter Steck, Professional Planner.