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
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
Name Of Owner (If different than Applicant) N.A.
Name, Address & email address of Attorney: (If Applicable)
Pro se

Name, Address & email address of Engineer, Surveyor, Architect, etc.: (If Applicable)
Peter Steck, Community Planning Consultant steckplan@gmail.com
80 Maplewood Avenue
Maplewood, New Jersey 07040

VARIANCES REQUESTED:
"A" VARIANCE □ Interpretation
"C" VARIANCE: □ Front □ Rear □ Side Yard □ Lot Area □ Impervious Coverage □ Height
□ Width at Bldg. Setback Line □ Road Frontage □ Construction on Unimproved Road
□ Setback from Stream or Lake □ Other: □ Building Coverage (R-3 Zone only)
"D" VARIANCE: □ 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 - A
1. The Building or Structure will be ___________ dimensions / __________ square feet

2. Existing and proposed setbacks are as follows:


   c) Right Side Yard Setback:

   d) Left Side Yard Setback:

   e) Total Side Yard Setback:

   f) Road Frontage

   g) Lot Width at Bldg. Setback

   h) Height of Bldg./Structure

   i) Lot Area/Size

   j) *Impervious Coverage:

   k) Building coverage (R-3 Zone)

   l) Other:

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 exception 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 _______ day of _______ 20 ______

Notary Public

GINA MUTH

Applicant's Signature

[Signature]
SPARTA TOWNSHIP
ZONING BOARD OF ADJUSTMENT

AFFIDAVIT OF OWNERSHIP

State of New Jersey}  
} ss  
County of Sussex  }

Anand Dash  

Name(s) of Owner(s)  

being of full age, and  

duly sworn according to law, deposes and says, that they are the owner(s) of property known as  

Block 16001, Lot(s) 52  
or as otherwise known as  

# 17 Ponderosa Trail  

Name of Street  

Owner's Signature  

Sworn to and subscribed before me  

this 4th day of April 2022  

Notary Public  

Gina Muth  

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

AUTHORIZATION

If anyone other than the above owner is making this application, the following authorization must be executed.

Applicant's Name: N.A.  

is hereby authorized to make the within application before the Zoning Board of Adjustment.

Owner's Signature  

- 3 -
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.