

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING JUNE 6, 2016

The regular meeting of the Board of Adjustment was called to order at 7:02 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

THOSE PRESENT AT ROLL CALL: John Villani, George Dealaman, Richard Hewson, Fernando Castanheira, Frank Rica, Donald Huber, Foster Cooper, Scott Bowen, Alt. #1 and Clerio Martins, Alt. #2
Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: None

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 15, 2016.

FLAG SALUTE:

MINUTES: The minutes of the 3/7/16 meeting had been forwarded to members for review.

Mr. Villani made a motion to approve, seconded by Mr. Castanheira.
All were in favor, so moved.

COMMUNICATIONS:

March/April 2016 edition of THE NEW JERSEY PLANNER

Extension of preliminary approval & accompanying letter from CASE NO BA14-01

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Mr. Cooper asked if any member of the public wished to make a statement, which is unrelated to tonight's agenda.

There was none.

He closed that portion of the meeting.

AGENDA:

CASE NO. BA16-04 CAMP RIVERBEND
 BLOCK 200, LOT 1
 116 HILLCREST ROAD

Application for an amended preliminary & final site plan approval with conditional use variance for various site modifications

Mr. Dealaman noted that the file is in order.

Donna Erms, an Attorney, represented the applicant.

Those scheduled to testify: Paul Breene, William Lane, Stephen Lyden P.P., John T. Chadwick P.P. and Chris Kastrud P.E., were sworn in.

Ms. Erms mentioned that the applicant is a privately owned facility, which has operated as a summer camp for up to 900 children up to the age of 14 since 1962. Camp Riverbend has appeared on several occasions before this Board for modifications of previous approvals. At present, they propose to construct a 17x25 ft. pavilion set back 92 ft. from the property line, while 100 ft. are required.

The applicant proposes either an addition to the existing open-air pavilion (building 41) or, depending upon final construction drawings, razing this building and constructing a new larger building to be used for preparing and serving hot meals to the campers and staff. The expanded or new building would include an open-air dining area approximately 4,000 and an enclosed 30x50 ft. area, which would include modern kitchen area for food preparation, storage and serving. There would be a new permanent bathroom. At present, they have only portable bathrooms.

Also proposed is the construction an open-air 40x60 pavilion to be used as a game room.

The applicant is seeking removal of the condition which prohibits the service of hot foods as stated in the prior Resolution in Case No. BA92-17.

In addition, the applicant wants to change the hours of operation from 8:00 am to 5:00 pm to 7:30 am to 6:00 pm.

Ms. Erms noted that the applicant has submitted applications to the Warren Township Sewerage Authority and Board of Health for approval to construct a sanitary sewer system. They are also requesting site modifications which include the installation of a kitchen and permanent bathrooms. Both applications are pending. They stipulated their approval as a condition of approval for this application.

John Chadwick, Township Planner recommended that the general notes on the site plans continue to reflect all prior conditions of approval, except a modified or removed by this approval.

Paul Breene testified that he is one for the four owner/directors of the camp. He has a personal knowledge of the history and operations of the business. He presented Exhibit A-1, which was marked into evidence. It is a board containing five photographs. The first two show building 41. - the existing game room pavilion, which is going to be converted into the new dining pavilion – with an addition or razing it & constructing a new expanded building.

Mr. Breene said that he took the pictures or were taken under his direction. They accurately depict the present conditions of building 41.

Mr. Breene testified that previously the camp had no sewer capacity, so there were no kitchen facilities. Most of the meals were provided by off-site catering. . At present, they are at a competitive disadvantage by not being able to provide their campers a hot lunch daily. At present, building 41 is inadequate in size and structure to incorporate a dining as well as kitchen facilities area. The sewer approval will permit them to replace the existing portable bathrooms with permanent bathrooms

Mr. Breene said that photo #3 depicts the type of red steel roof, which he anticipates for the enlarged or new dining pavilion. Photos #4 & #5 show examples of similar structure proposed to be utilized for the new boathouse. A new boathouse is needed, since currently the camp stores its canoes on trailers and hauls the canoes up and down the hill daily. The life jackets are stored in the base of the trailers and are constantly wet. This creates a mold condition. They plan to introduce kayaking in the camp. They need room to fit the kayaks, life jackets oars, paddles and other equipment.

The location of the boat house was chosen, because it is near the beach area of the river – where boats are launched. It will not encroach on an existing JCP&L easement. The preferred location is 92 feet rather than 100 feet from the northerly property line.

Mr. Breene testified that the kitchen facilities will only be used during the regular camp season and for events promoting the Camp to families of potential future campers. In addition, he asked that the hours of operation be changed to 7:30 am to 6:00 pm due to the increase of two parent working families and the need for extended hours for extended care for campers.

Mr. Breene mentioned the Environmental Commission suggestion that they consider composting leftover foods. He is not in favor, considering the problem of animals on the site. He testified regarding the accessibility around the existing and proposed structures for fire apparatus and emergency vehicles.

Walter Hatrick, Mr. Breene's brother-in-law, was sworn in. He said that he will be assisting with the kitchen facilities. He explained that the majority of the cooking will be done with electric ovens rather than gas stoves or deep fryers. They did not anticipate much kitchen grease warranting the installation of a grease trap for recycling grease. He did stipulate obtaining Board of Health and Construction Dept. prior to any installation of a grease trap, if it becomes necessary.

Mr. William Lane was called to testify. He gave his background and credentials and was accepted as an expert in Civil Engineering.

He presented Exhibit A-2, which was marked into evidence. It is an aerial photograph of the site dated 6/6/16. He explained the location of the camp and the surrounding area. He mentioned the various proposed site modifications – including the expansion or new construction of building #41. He repeated much of the testimony of the proposals as stated by Mr. Breene. He repeated the need to locate the proposed boathouse pavilion approximately 92 ft. rather than 100 ft. setback from the northerly property line based on the operational needs and the desire to minimize encroachments into the easement. They have already received approval from the Somerset County Planning Board for the proposed modifications. He testified that the structure will be located outside of the FEMA 100 year floodplain.

Stephen Lyden, P.P. was called to testify. He gave his background and credentials and was accepted as an expert in professional planning. He reviewed the application documents, visited the site, reviewed the Master Plan and all the reports. He opined that the use of the property constituted a permitted conditional use. He said that the site could accommodate the problems associated with the small 8 ft. deviation from the required setback for the boathouse. There is a lack of visibility from the distant residential properties. The camp is only used for seven weeks for summer camp. The applicant has satisfied the requisite criteria for the balance of the requested relief.

Mr. Cooper asked for questions. There was none.
He asked for statements from the public. There was none.
He closed the public portion.

Ms. Erms listed the conditions she wanted deleted.

Mr. Warner listed what was being requested in the amended preliminary and final site plan approval

DELIBERATIONS:

Mr. Dinizo, the applicant, was called to testify. He stated that he has been operating the material and landscape yard for his commercial nursery business located in North Plainfield for the past three years. The Warren location will continue as a plant and bulk material storage and distribution facility. There will be only three employees working there.

The only modification to the plan is that the existing dwelling, which was found to be structurally unsound, will be razed . The garage will now be used as the office.

Mr. Dinizo stated that the purpose of this material storage is for contractors, individual companies or individuals contracting Truesdale to do their landscaping, can come to the site, meet the employees in the yard and choose the plantings. He said that retail sales of plantings are extremely limited and would only occur infrequently.

The site contains one loader with a forklift attachment and one truck. Both of these are stored in a large covered bin.

Exhibit A-2 was marked in to evidence. It is a photograph of the covered bin enclosing the two vehicles. He took the photo a few weeks ago and is a true depiction of the storage of the vehicles.

He mentioned that on average between five and ten people visit the site daily.

In response to the Board Engineer's memo, Mr. Dinizo testified that the river stone is what was used during construction of the improvements pursuant to the original site plan. He requested that the river stone stay in lieu of rip-rap. It is used to enhance the area along Stirling Road.

Concerning the Quonset hut on the site, Mr. Dinizo stated that there was a tenant on the site leasing from a prior owner. He stored garbage in a 60 ft. long orange tunnel. It has been removed along with the garbage.

Mr. Sasso stated that the applicant has begun the process of obtaining and executing a Developer's Agreement, which was a condition of the prior approval in 2105. A drainage Easement is being prepared, and will be recorded in the County Clerk's office.

Exhibit A-3 was marked into evidence. It is a photo, taken recently and is an accurate depiction of the existing signage in front of the property along Stirling Road. There is also an additional sign or banner attached to the existing sign, which contains the hours of operation. Mr. Cooper feared this could lead someone to think this is a retail operation. After discussion with Mr. Chadwick, Mr. Dinizo stipulated as a condition of approval, to add the term "wholesale" on the signage. He agreed to obtain all the requisite permits for all of the remaining bins on the premises including the covered bin used for the storage of the two vehicles.

Mr. Cooper asked for questions from the public.

Joe Ferris of Chatham Township was sworn in and testified. He said he is a member of the gun club located next door to this property. He explained the recent water run-off problem at the gun club site. He described it as a dangerous condition on the site. Mr. Dinizo stipulated to working with the Township Engineer and Planner to investigate the source and circumstances of the water run-off and to cooperate with the Township with any necessary remediation.

Thomas Quinn was called to testify. He gave his background and credentials and was accepted as an expert witness in Civil Engineering.

Exhibit A-4 was marked into evidence. It is a copy of 2015 version of the site plan submitted to the Board of Health. He also mentioned the concept plan "A" submitted

with the application documents. He used these to explain the proposed demolition of the dwelling on the westerly site of the site and the removal of pavement to gravel in that area. Mr. Quinn said that the applicant would be using bumper blocks in lieu of striping to delineate parking around the area of the dwelling to be removed. It will be on gravel.

The applicant stipulated as a condition that the ADA compliant parking space must be on hard scape as opposed to gravel. Handicap parking cannot be located next to the proposed new office building, because of the fairly significant slope making it not feasible for parking.

Exhibit A-5 was marked into evidence. It is a copy of sheet of the site plan with Mr. Dinizo's handwritten designation as to the location of the two covered bins, which will remain on the site.

Exhibit A-6 was marked into evidence. It is sheet 1 of the site plan. This was submitted in response to Mr. Kastrud's memo.

Mr. Quinn went through all of Mr. Kastrud's comments confirming that the applicant would stipulate to the comments. Instead of submitting a current signed and sealed survey of the property, he would provide a modified site plan showing the improvements on the site since the date of the previously submitted survey. He listed each comment and stipulated to them.

Mr. Cooper asked for questions from the public. There was none. He asked for comments from the public. There was none. He closed the public portion.

Mr. Warner listed the approvals being sought.

DELIBERATIONS:

Mr. Bowen felt bad for what Mr. Dinizo had to go through to improve the site. Anyone who cleans up is a hero. Keep it going.

All of the remaining members thought the approval would be fine and had no objection.

Mr. Warner read a Draft Motion.

Mr. Bowen made a motion to approve, seconded by Mr. Rica.

Roll call vote was taken. "Yes" votes were received from: John Villani, George Dealaman, Fernando Castanheira, Frank Rica, Donald Huber, Foster Cooper and Scott Bowen.

There were no negative votes. The motion carried.

Memorialization of Resolution CASE NO. BA16-02 STEVEN & TRISTIN GOODE

Mr. Villani made a motion to approve, seconded by Mr. Castanheira.

Roll call vote was taken. "Yes" votes were received from: John Villani, George Dealaman, Fernando Castanheira, Frank Rica, Donald Huber and Foster Cooper. There were no negative votes. The motion carried.

Request for extension CASE NO. BA14-01 DAVID SCHLINGLOFF

Applicant received an extension until June 30, 2016, which expires on that day. He is asking for an additional year extension.

Mr. Dealaman made a motion to approve, seconded by Mr. Rica.

Roll call vote was taken. “Yes” votes were received from: John Villani, George Dealaman, Fernando Castanheira, Frank Rica, Foster Cooper and Clerio Martins. Mr. Bowen abstained.
The motion carried.

CASE NO. BA16-05 OCEANVILL ASSOCIATES
 BLOCK 70.02, LOT 133
 125 WASHINGTON VALLEY ROAD

Applicant has chosen to withdraw the application.

Mr. Dealaman made a motion to dismiss the application without prejudice, seconded by Mr. Castanheira.

Roll call vote was taken.” Yes” votes were received from: George Dealaman, Fernando Castanheira, Frank Rica, Donald Huber, Foster Cooper, Scott Bowen & Clerio Martins.
The motion carried.

Mr. Bowen made a motion to adjourn, seconded by Mr. Rica.
All were in favor, so moved.

There being no further business, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Kathleen M. Lynch
Clerk