

Warren Township Board of Adjustment Meeting Minutes

April 5, 2021

APPROVED

Because of the current COVID-19 pandemic, a hybrid Remote Zoom access and In-person Meeting was provided, whereby Board Members, Board Professionals, Applicant's counsel, client and professionals, and attorneys for represented objectors and their clients and professionals only, subject to room capacity and related limits, were allowed to appear in person, and all others, including members of the general public, were allowed to appear only by Zoom remote access as set forth below. For anyone appearing remotely, including members of the general public, to ask questions when recognized by the chairperson, you may do so by both audio and video features or just audio or by phone, however, in order to make public comment, which constitutes testimony, when recognized by the chairperson, you must appear both by audio and video so that you may properly be sworn in to provide such comment/testimony. These procedures are consistent with the recently enacted Emergency Remote Meeting Protocols at N.J.A.C 5:39-1, et. seq.

Township of Warren is inviting you to a scheduled Zoom meeting.

Topic: Township of Warren's Zoom Meeting (Board of Adjustment Meeting)

Time: Apr 5, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/9087538000?pwd=VINTeUhTskc3OGdOVHITZWI1cjNmdz09>

Meeting ID: 908 753 8000

Passcode: 07059

One tap mobile

+19292056099,9087538000#,,,,*07059# US (New York)

+13017158592,,9087538000#,,,,*07059# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 908 753 8000

Passcode: 07059

Find your local number: <https://us02web.zoom.us/j/9087538000?pwd=VINTeUhTskc3OGdOVHITZWI1cjNmdz09>

Questions regarding how to access the documents or participate in the remote only meeting can be directed to the Land Use Coordinator, Maryellen Vautin or Lisa Sammartino, by phone (908-753-8000 x 243 of X244) or email (mvautin@warrennj.org or lsammartino@warrennj.org).

Public questions/comments from Warren Township residents will be accepted only during the public questions/comments periods of the meeting and can only be considered if such comment is testified to under oath and you must have both audio and video capability if using zoom so that you can be properly sworn in to testify. If you have a problem using Zoom to participate in the meeting, contact Maryellen Vautin at mvautin@warrennj.org or 908-753-8000x243 OR Lisa Sammartino at lsammartino@warrennj.org or 908-753-8000 x 244.

Site Plans and applications for the hearings for April 5,2021 can be found at warrennj.org under the Board of Adjustment page-left side bar Pending Applications and Plans

<https://warrennj.org/408/Pending-Applications-and-Plans>

**Board of Adjustment
April 5, 2021 Minutes
Page 2**

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. George Dealaman
Mr. Fernando Castanheira
Mr. Frank Rica (excused)
Mr. Donald Huber
Mr. Michael Galbraith
Mr. Foster Cooper
Mr. Scott Bowen, Alt. #1 (recused from Maddy)
Mr. Anthony Paolella, Alt. #2 (excused)
Ms. Amanda Wolfe, Esq.

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, sending a copy to the Echo-sentinel, and filing a copy with the Municipal Clerk, all on January 14, 2021 as well as the above statement concerning emergency procedures stated above.

FLAG SALUTE:

MINUTES:

The minutes of the March 1, 2021 meetings were forwarded to members for review. Amanda Wolfe went over minor corrections from Mr. Warner, page 7.

Motion to approve was made by Mr. Dealaman, seconded by Mr. Castanheira

ROLL CALL

For: Mr. Villani, Mr. Dealaman, Mr. Castanheira, Mr. Huber, Mr. Galbraith, Mr. and Mr. Cooper

Against: None.

COMMUNICATIONS:

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

Mr. Cooper opened the floor to any member of the public wishing to make a statement, which is unrelated to the meeting agenda. Seeing no one come forward, this portion of the meeting was closed.

CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

RESOLUTIONS

none

AGENDA CASE APPLICATIONS:

CASE BA 19-07 Maddy Realty LLC
Block 212/lot 20.01
Variance Use—Hotel
Carried from September 21, 2020, November 2, 2020, and December 7, 2020 and March 1, 2021 meetings.

Mr. Jay Bohn came forward as attorney for the applicant. The testimony of Mr. Cretella was heard at the previous meeting. This evening it will be the architect who will testify.

Mr. Cooper reminded the people on the zoom portion of the meeting to go to the township website where the documents for the applications (under the Board of Adjustment page) were located to review.

Mr. Jeff Fleisher, architect, came forward and he gave his credentials and was accepted by the board. He was sworn in, his business address is 56 Main Street, Flemington, NJ. Mr. Fleisher described the project. He went over the plans, Sheet A-2 dated 2/28/20, depicting the exterior of the proposed three story hotel. They worked with the terraced area and the other buildings in place. It is on the side of a hill. The main building on the court yard side is 35 ft high and on the slope side it is about 50 ft. The building is stone and glass and has Juliet balconies (none functioning balconies). The main entrance is from the court yard side of the building. The finishes match the other buildings in place. There is a height variance due to it being in the side of a hill. It is on a slope. It has a garage and three levels. He believed there was 27 parking spaces in the garage. There are 50 rooms in the hotel. There is other parking on site. Most customers will be at an event and the parking is calculated for the total site so it does not need more parking.

Mr. Cooper feels there is an existing parking issue.

Mr. Fleisher continued to go over his plans, Sheet A-1, with floor plans with latest revision of 2/28/20. It showed the parking level, first floor, court yard, second floor, and third floor, part of the third floor is not habitable.

Mr. Villani asked about the solid waste and recycling. It is on the site plan and the engineer will discuss. This is an application for use currently and not a site plan application.

Mr. Cooper asked if anyone had questions for the witness. Mr. Castanheira asked about why they need the height variance. It would be less rooms without the variance and it may not be economically feasible.

Mr. Chadwick, the Township Planner, asked about the location on the terraced area. Has this area been disturbed previously, does it have fill? The architect said it is a terraced area that had grass on it. There was no soil testing on the area. That would be done before designing footings. Mr. Chadwick felt it would make sense to know what needed to be done, how feasible the construction may be on the slope.

**Board of Adjustment
April 5, 2021 Minutes
Page 4**

Mr. Chadwick asked about the terracing, on the downhill side. How would the equipment be brought in without clearing all the way down the hill. The staging/grading plan will be presented. Mr. Chadwick asked about the mechanical systems and where they would be mounted, roof? A lot of it will be in the attic and hidden. Exhaust will be to the court yard side.

Mr. Kline, attorney for objectors, was asked to come forward. He did object to the hybrid format of the meeting, and had raised it last time also. He represents the residents on Dillon Court. Mr. Kline asked when the architect was retained for this project. Mr. Fleisher said it was 2017 by Landmark Developers. The submissions were submitted (A-1 and A-2) within proper time frame. Mr. Kline asked if Mr. Fleisher had reviewed the Master Plan and he had as well as the applicable zoning ordinances. The building is in the NB district and the maximum height allowed is 35 ft. Mr. Kline asked about page A-2 and the height of the building. The lower left depiction shows the height to be 55 ft. And on the other side it is around 45 ft. The height is averaged. In the top left picture the corner height is 43 ft, and the opposite side is 35 ft. There was discussion on the elevator tower and the roof. Mr. Kline asked why the garage is not included as a story. It is a basement and not considered a story. That is defined in the New Jersey Building Code.

Mr. Kline asked if Mr. Fleisher had read the township definition of a story. He had not. The garage was included for calculations for height. There was discussion on calculations. Mr. Kline brought up the height and its relationship to economic considerations. Mr. Fleisher knew they would need a variance for the height. The tallest height is 55 ft.

There are 27 parking spots and they had discussed how many were on the site and also that 27 spots would fit under the building. Mr. Kline asked about the foundation wall and how much of the tallest part of the building is the foundation wall. Mr. Fleisher felt it was about a quarter (below the rooms). It is an exterior basement wall. The design matched the other buildings. No residential or neighboring homes were considered when considering the design.

You will be able to see some of the hotel from Stiles Road. They plan on having heavy landscaping there. The picture shown was taken in the spring and Mr. Fleisher said it would be more visible in winter. Mr. Fleisher asked about the egress calculations. Those would be submitted at the time of construction. Mr. Fleisher asked what the capacity with 50 rooms and 27 parking spaces. There is two occupants for each room, so around 100, although the building has capacity for more than that. Mr. Fleisher said it is a 30,000SF building so it could have 200 occupants in it.

Mr. Kline asked if there was any building in the area that used the heavy glass look design. Mr. Fleisher did not know of any. Mr. Fleisher used the context of the site. The capacity is based on the building code.

The metal roof will match the same material adjacent to it and the hip roofs match, as well as the stone look. Mr. Kline asked if there were higher elevations that buildings nearby are on. He did know if the homes across Stiles are on a higher elevation. They would be able to see the hotel.

Mr. Kline asked about the windows that face Stiles Road. Typically they don't have windows that open. The rooms will all have lights and Mr. Klein asked if they will be visible on Stiles Road. You would see some light.

**Board of Adjustment
April 5, 2021 Minutes
Page 5**

Mr. Kline asked about the basement lights and how long they will be on. There would be some form of light for safety all night. The garage lights will not be visible from Stiles Road because there is the foundation wall that block them.

Mr. Kline asked how tall the parapet would be to enclose the mechanicals. The mechanicals will be within the roof top and not above the roof. There will be some mechanicals in the garage also.

Mr. Kline asked about the lounges on upper floors. The lounge on the first floor may be used by the people staying at the hotel. The hotel guests would be the only persons using the lounges.

Mr. Kline asked about the gym on the second floor. It is only for hotel guests. This was designed for corporate customers who may have events at the property. It is an accessory use for the hotel. Mr. Fleisher felt no windows will open. Mr. Kline asked about night sky lighting.

Mr. Kline asked about the game room and how many people can be in the lounges. Mr. Fleisher did not have a number.

The 30,000SF includes all floors, it does not include the garage. The garage is about 11,500. That is about 41,000SF. There are no other buildings this size in the surrounding neighborhood. The basement is not included in the SF.

The hotel can be seen from Stiles Road and Stirling Road. Mr. Fleisher did not believe that it would be seen from Dillon Court.

Mr. Fleisher said the hotel is used just for hotel patrons and those would be attending an event.

There had been testimony that a patron at the restaurant might be able to stay at the hotel. Mr. Fleisher did not consider that during the design of the hotel. The two buildings behind the hotel will be higher than the hotel.

There were further questions on the height and calculations. The calculations are on Sheet A-1.

Mr. Chadwick asked about the architect plan showing 50 rooms and the engineering plan showing 48. The plan should show 50.

Mr. Cooper opened the hearing to members of the public that are not represented by Mr. Kline. No one had questions.

Mr. Bohn brought up Mr. Chris Nusser, the engineer and planner for the applicant. He was sworn in. He gave his credentials and was accepted by the board.

Mr. Nusser did not have plans handy. Ms. Vautin, the board's clerk, had a set of plans and they were also available for those on zoom. Mr. Nusser used the board's plan and they had been previously submitted and they are dated May 4, 2020.

Mr. Nusser went over the site with existing buildings, one restaurant, and banquet halls. There is associated parking and outdoor bar area. There are some terraced areas. The entrance to the site is located between the two buildings off of Stirling Road. There is an exit to the northwest of the main entrance back onto Stirling Road. The zone is the NB zone. The existing

April 5, 2021 Minutes
Page 6
Board of Adjustment

restaurant and banquet hall are permitted uses. The property is surrounded to the east and the southeast by the R-20 zone, residential homes. The existing trash and recycling is located on the north portion of the site within the parking lot and is proposed to remain there. The proposed hotel is located in the eastern portion of the site. It is close to the existing banquet hall.

Mr. Nusser went over the building access plan with different levels. The basement with parking and three stories of the hotel. Vehicular access is through the back of the parking lot in the north of the site. And it goes under the hotel. The first floor access is off of the court yard area/yard area. The second story has access off of a deck of the banquet hall and there is access around the rear of the site above the access drive. The third floor there is only access from the interior elevator or stairs. Mr. Cooper asked about decks listed on the second floor, and three decks on the third floor, and two decks on the first floor. What are those to be used for, Mr. Cooper believed that there would be no outdoor access from the hotel.

Mr. Nusser said the decks will be removed from the plans. The proposed hotel meets the standards for yard setbacks. It does require variance for building height. It meets floor area ratio requirements, impervious coverage for buildings and overall coverage.

The site does have an existing non conforming condition for the front yard of the original restaurant/banquet building. It is at 49.3 ft and 60 ft is required.

The parking for the existing use requires 128 spaces, there are 193 spaces on the site. The proposed hotel would require 65 additional spaces, so total for the site would be 193. The proposed hotel adds 27 spaces so the total will be 220, where the requirement is 193.

There will not be patrons simply for the hotel, they will be attending an event. There will be some staff for the hotel, perhaps 15 maximum. Mr. Huber asked about parking spots under the hotel and if they were not there would it still be enough spots. Yes it would be what is required. Mr. Huber asked why then have a parking garage. Mr. Nusser said it was convenience for the people staying at the hotel.

Mr. Villani also asked about the 193 being adequate. His own experience has been that there has not been enough parking spaces.

Mr. Nusser said they do sometimes use valet parking and one could wait for a little while for valet. Mr. Cretella said they tend to valet the whole lot when there are events. He also said that they have overflow parking agreement with the property across the street, Truesdale Garden Center, but they have not had to use it.

Mr. Chadwick asked if the applicant was going to have a traffic consultant and they were not planning on it.

Mr. Nusser went over the variance grading plan. The highest area is at the top of the driveway at an elevation of about 390 and coming down in grade to the parking garage is about 358. Each floor will be ten feet higher than that. The roof height elevation is 399.40. The court yard area will be graded. The plan does not show any storm water, as that would be part of the site plan application. There may be a subsurface detention under the garage.

Mr. Cooper noted that there has not been any site work to determine if that is possible.

**Board of Adjustment
April 5, 2021 Minutes
Page 7**

Mr. Chadwick asked about the driveway to get to the garage. The grade is about 10%, and at the bend it is also 10% and there is some flat ends at both ends.

Mr. Nusser talked about sheet 6, the landscaping plan, it will screen the site. It will include evergreens. They will install landscaping along Stiles and around the existing catering hall.

The building (hotel) will not generate additional traffic. They were coming to the site already. There is a minor increase for staff. A benefit of the hotel is that everyone does not leave or arrive at the same time as the event hours. Mr. Nusser will return at the next meeting to continue. The hearing was carried to the May 3 hybrid meeting without further notice. The applicant grants time to act through the May 3, 2021 meeting.

CASE BA 20-08 Rica Properties, LLC
Block 82, lot 4.01/256 King George Road
Preliminary and Final Site Plan Use and bulk variances
Carried from March 1, 2021

Mr. Sasso, attorney for the applicant, came forward. There were three witnesses left to testify, a planner, Ms. Christine Cofone, an architect, Mr. Rocco Campanello, and Mr. Gary Dean, a traffic consultant, via zoom.

The witnesses were sworn in by Ms. Wolfe, the board attorney.

Ms. Cafone gave her qualifications and was accepted by the board. She went over the three (d) variances; for use, for height 33 ft. where 25 is permitted for a flat roof, and for FAR (floor area ratio) of 1.19 which exceeds the permitted. They are also asking for some bulk variances. A building coverage variance of 34.8% where 15% is permitted. They are asking to go to 3 stories where 2 are permitted and a buffer variance.

For the (d) use variance the applicant has to demonstrate that the site is particularly suitable (and special reasons exist) for the proposed use. For the (d) variance for the FAR the applicant has to prove that the site can handle the excess FAR. Ms. Cofone opined that the subject property is suitable and it is over two acres. The sewer capacity is limited (for office use). She also brought up that there will be thousands of new housing units to meet the affordable housing obligation. Many of these will be market rate as well. Within a half mile to a mile there are nearly 700 units that will be constructed or being constructed.

The property is adjacent to R-65 zone, they are in BR40 zone and across the street from a CR130/65 zone. It is a transitional location. The BR40 zone is commercial. Ms. Cofone's company has done some self-storage facilities and the location close to multi-family housing is important. Other towns multi family developments are also nearby. The site is particularly suited for this use.

The positive criteria is met in the MLUL with criteria (g) which talks about sufficient space for a variety of uses. Ms. Cafone believes there is sufficient space. They exceed all the setbacks for the zone. Criteria h talks about the free flow of traffic. Mr. Dean will address the traffic at the site. It is very little impact to traffic, especially at the peak hours. Other uses could have much more traffic. Criteria(i)l talks about a desirable visual environment. This proposal is a stunning building and one of the nicest Ms. Cafone has seen. The building fits in with the township's architecture. It is not a typical storage facility. Criteria m talks about an efficient use of the land that avoids degradation of the environment and urban sprawl. This use is an efficient way to use this two acre property.

**Board of Adjustment
April 5, 2021 Minutes
Page 8**

Ms. Cafone also went over the negative criteria. The negative criteria has two prongs, the impact to the public good and the impact to the zoning. The public good considers the area around the subject property. They are willing to work with the professionals on buffer to surrounding properties. It is a low impact use on the municipality. The front yard setback is required to be 35 ft. They propose 124 ft. and the side yard minimum is 10 and they have 27 ft. They meet or exceed the bulk requirements. There are substantial plantings on the southern border and eastern border and they propose to enhance that.

They have to prove that the benefits outweigh the detriments. The stated purpose of the BR zone is in Warren zoning section 16-16.1. The business residential zones are mixed use zones and will serve as a transition zone between residential and nonresidential zones. Many of the structures in the zone are used as single family homes or office use. These zones to the extent possible should retain a residential character and have sufficient lot frontage to minimize the visual and traffic impact on the adjacent roadway. This zone is appropriate for offices, service uses, and single family dwellings. No retail or wholesale is allowed in these zones. The proposed use is not a wholesale or retail goods center that would bring the intensity and traffic to the adjoining roadways. As far as a substantial detriment Ms. Cafone sees none. The use is not permitted in any zones

Ms. Cafone referred to Warren's Master Plan and two of the goals. One is the diversity of housing stock continues to expand as a result of new projects consisting of apartments and townhomes. Another goal is the largest revenue resources are for corporate and office parks.. The economic health of several of these has reflected the economic ups and downs of the past ten-year cycle. Zoning should be more flexible and adaptive to changing economic condition. This proposal is a great example Ms. Cafone said.

Ms. Cafone spoke about the 1.19 FAR that is in excess of the permitted FAR of .15. Coventry Square on FAR directs the proofs to –can the site handle the excess FAR. This use can handle it because it has little demand for parking, and the trip generation is low. The stormwater is managed and there is not going to be an increase.

The height and number of stories are variances. A height of 25 ft is the maximum with a flat roof and 35 ft with a HIP or gambrel roof. The roof will screen the HVAC equipment. The height will not have substantial detriment but adds to the curb appeal. Ms. Cafone talked about the buildings on King George Road and this proposed building is not out of character with those buildings; the Chelsea and some office buildings.

Mr. Sasso asked about Ms. Cafone's experience as a Special Master for affordable housing and the nature of condominiums and storage for those uses. She said the storage facilities do locate close to the multi family developments. There was a TCC meeting and the applicant's team met several times.to work on the design of the building and site.

Mr. Cooper asked if the board members had any questions. No one did. The chairman, Mr. Cooper opened it the public for questions. Mr. Rose (on zoom) asked if there are areas in Warren where self storage is permitted. There is not.

Mr. Messano, a neighbor at 258 King George Road (on zoom) asked about not exceeding the rear yard setback (at 29 ft). Minimum rear yard is 25 ft. so they do not exceed. Mr. Messano asked about a portion of the property that is in a residential zone. Ms. Cafone did not agree.

**Board of Adjustment
April 5, 2021 Minutes
Page 9**

There are no zoning districts in Warren that allow for self-storage. Mr. Messano asked if they knew what the section of the road (King George) is called. No one did know. Mr. Messano asked about not having retail and he said that additional goods would be a good part of the business. Ms. Cafone said it is not a retail use. She said it would be a convenience for the tenants.

Mr. Messano asked about school children and felt that it affects his property. Mr. Messano asked about the traffic not affecting the roadway with 800 units. The traffic engineer had not testified yet, but Ms. Cafone said it has a lesser impact than other permitted uses in the zone plan.

Mr. Tony DiRoma asked about the height of the building and the 25 ft height and how it is measured. The architect will answer that. He asked if that was an average height. Mr. DiRoma felt that the traffic will be trucks instead of cars.

Mr. Joe Farro came forward from the audience, his address is 3 Sage Drive and he asked about vegetation that will be planted at the facility. There is a landscaping plan. Mr. Farro asked that the property be maintained and not over grown.

There was discussion by Mr. Sasso about a site line easement that was brought up at the last meeting by Mr. Messano. They did not find any easement on the subject property.

Mr. Rocco Campanella, architect for the applicant, came forward. Mr. Campanella gave his credentials and was accepted by the board. He went over the plans and that it is in a residential area and took that into consideration when designing the building. It needed to blend in naturally. There are some renderings. He went over the floor plans and elevations. There are two freight elevators. There are offsets along the building. The plans are on the website and the zoom meeting showed the sheets as Mr. Campanella went through the plans. It is a 10 x 10 layout. He showed the front elevation with signage, sheet A-200A. Sheet A200B has the building height, with the mansard roof you have to measure to the top of the flat roof. The flat roof is designed to hide equipment on it and not have it on the side yards. There is a little bit of parapet to screen also. There was discussion on the choice of the mansard roof. It benefits the neighbors to not see equipment. He went over the design and colors. There are a variety of views of the building. The artist 3D-rendering, Exhibit A-1 shows the view from the street.

There are some garage doors for units. The office is on the first floor. There are two primary entrances for customers. Some are overhead doors and there are interior access doors for most of the units. The entrance doors are double doors. There will be a variety of unit sizes. There all modular of 10 x 10 and have partitions that can be changed.

The design is barn like as well as the colors and stone that has been added. The cost is higher than the standard box style facility. The siding is metal, a composite shingle.

Mr. Cooper asked if anyone else on the board had questions. No one did. Mr. Christian Kastrud, the township engineer, asked about the side of the building and possible issues with traffic/cars that may scrape or bump the walls. There was discussion on bollards. Mr. Bowen asked if they were real windows, and there are some to provide daylight. The garage doors most likely will not have windows.

Mr. Cooper asked the public for questions. Mr. Messano asked about the number of garage doors/units will there be. There are 10 on the front. On the side there are 12. Mr. Messano

**Board of Adjustment
April 5, 2021 Minutes
Page 10**

asked if landscapers can drive their equipment in the units. Mr. Chadwick reminded all that it was agreed upon that there won't be equipment with oil or gas in them.

Mr. Messano asked about the size of the building. It is about 104,000Sf and the lot is 90,000SF and that all the trees are going to be removed. He asked how the building would be screened. Mr. Messano asked Mr. Sasso about Mr. Messano's site easement. Mr. Sasso said he ran a title search for the subject property (not Mr. Messano's property).

Mr. Rose asked about what is not permitted in the storage units. A footnote says cars and motorcycles have the option or partially full or full (gas tanks). A car could go in without gas in it. The applicant agrees to a condition of no gas for any vehicles stored.

Mr. Tony DiRoma asked about the gas and how it is enforced. Will each item be inspected going into the facility. Mr. Sasso said if it is a vehicle then yes it would be inspected. Mr. DiRoma asked about the 5 to 6 visitors a day.

The building will be completely sprinklered.

Mr. Rose asked Mr. Cooper about asking the Fire Marshall a question. The Fire Marshall does provide a report and all the reports will be reviewed during the hearing.

There were no further questions. Mr. Gary Dean was moved out to the next meeting. The application is carried to May 3 and Mr. Sasso agreed to extension of time through the May meeting. It will be hybrid meeting and no further notice is required.

NEXT MEETING: May 3, 2021 Meeting

Motion was made by the chairman, Mr. Cooper, to adjourn the meeting, seconded. And All were in favor.

MEETING ADJOURNED: 9:50 P.M.