

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES June 6, 2022**

*APPROVED*

**CALL TO ORDER:**

**ROLL CALL:**

Mr. John Villani  
Mr. Michael Galbraith  
Mr. Frank Rica  
Mr. Donald Huber (excused)  
Mr. Scott Bowen (excused)  
Mr. Anthony Paolella  
Mr. Foster Cooper  
Mr. Mehul Desai Alternate # 1 (excused)  
Ms. Valentina Carleo Alternate # 2  
Mr. Craig Bossong, 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, and sending a copy to the Star Ledger, and filing a copy with the Municipal Clerk, all on January 10, 2022.

**FLAG SALUTE**

**MINUTES:**

The minutes of the May 2, 2022 meeting were forwarded to members for review.

Motion to approve was made by Mr. Villani, seconded by Mr. Galbraith. All in favor:

**PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:**

Floor is opened to any member of the public wish to make a statement, which is unrelated to the meeting agenda. No one came forward and this portion of the meeting was closed.

**RESOLUTIONS:**

CASE BA22-03      Daryl Zareva  
                            Block 90 lot 14  
                            6 Wilshire Road  
                            Variance for FAR, and building coverage for a shed  
                            Approved May 2, 2022

Motion was made by Mr. Villani, seconded by Mr. Galbraith to adopt resolution  
For: Mr. Villani, Mr. Galbraith, Mr. Cooper, and Mr. Paolella.  
Against: None.

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 2**

CASE BA22-04      Michael Hoag  
Block 93 lot 10  
18 Old Stirling Road  
Variance to build new home with variance for  
lot width and frontage.  
Approved May 2, 2022

Motion was made by Mr. Villani, seconded by Mr. Galbraith to adopt the resolution.  
For: Mr. Villani, Mr. Galbraith, Mr. Cooper, and Mr. Paoella.  
Against: None.

**AGENDA CASE APPLICATIONS:**

CASE BA 22-02      HSC Warren, LLC/Tractor Supply  
Block 110 lot 9.03 & 9.04  
69 Stirling Road  
Preliminary and final Site Plan with variances

Lawrence Powers came forward as attorney for the applicant. He explained the location of the property at 69 Stirling Road. The (d) variance was granted for the use of outdoor display previously. During the process for the use variance they worked with the board to address the boards concerns with the side yard setbacks and the buffers. The building is a little longer and more narrow than first proposed. There will be no propane tank on the site. There were also side yard and front yard setback variances. There are nine c variances to address. There is a setback variance for parking, number of required parking spaces, size of the buffer between the proposed parking and the adjacent residential property, and coverage, and sign variances. There will two witnesses, Mr. Josh Sewald (engineer), and Ms. Tina Peck from Tractor Supply in Alabama.

They were sworn in as well as Mr. John Chadwick, the Board Planner, and Mr. Christian Kastrud, the Township Engineer.

Mr. Sewald went over Exhibit A-1, Site Plan Rendering dated 6/6/22; it is the site plan overlaid with the landscape plan. (sheet 4 and sheet 7). The site plan is dated December 10, 2021.

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 3**

Mr. Chadwick noted that the variance for the signs is quite close to the ordinance and asked if they have reconsidered. They can comply with the 18 ft max. The details of the sign will need to be on the plans.

Mr. Chadwick spoke about the fence proposed. He can't recall the town ever granting a variance for a fence for non residential for an 8 foot fence. Mr. Chadwick feels six foot is enough. Mr. Sewald brought in Exhibit A-2. The fence around the display area behind the building is 8 ft. and fronts the Community Place side and that is where the variance is. The exhibit shows the fence with brick columns to supplement it. It is an 8 foot high ornamental fence with some opaque mesh.

They are seeking approval for a Preliminary/Final Site Plan approval for a 20,000SF Tractor Supply building. There is a full movement driveway coming off of Stirling Road which is under the jurisdiction of Somerset County Planning Board. There are 54 parking spaces in the front area. There is a side walk display area in the front of the building.

There is an access aisle on the northern side of the building and that is where the loading will take place. Then around the back of the building there is an outdoor display area and customers can drive through that area and pick up bulk items. And there is parking in the back with 13 spaces.

He went over the plan/exhibit. There will be a bioretention basin between the building and Community Place. In addition, there will be various trees planted all along the perimeter areas. The property does not have sewer; they will have onsite septic. This is under jurisdiction of the county and township health departments. They need to flatten out the topography somewhat and will need some retaining walls.

The stormwater will comply with the state standards. That will include two pervious pavement sections, as well as the above ground bioretention basin. The lighting is low lying lighting, 14 ft tall. There are LED fixtures that are downward facing, shielded along the residential.

Mr. Sewald went through the variances. There is a d variance for the outdoor storage and it was approved with the variance application. The NB zone permits 60% max impervious coverage and they are proposing 72.6% impervious coverage. Mr. Chadwick asked how much of that was the pervious pavement. It is over 6000SF and is about 6%.

The second variance is the 10 ft. wide landscape island. There are three oversized spaces for long vehicles. The ordinance calls for a 10 ft. wide landscape island. There can be more landscape around the perimeter with this and have less impact.

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 4**

There is a variance for number of parking spaces. The ordinance calls for 1 space for 200 SF, about 101 parking spaces. They are proposing 54 parking spaces. There are 8 to 12 employees per shift and typically don't have more than 15 to 20 cars parking spaces maximum used.

There were two bulk variances that were approved with the use variance, one was residential buffer and the other was the bulk setback to Community Place. They need to seek approval for variance to allow the site plan with a parking and loading area adjacent to the residential property. They seek the same buffer relief for that.

They are also asking for freestanding sign variances. Our ordinance has 50 SF maximum and they seek 76.3 SF for the pylon sign. They withdrew the request to drop the height down from 20 to 18 so it will comply. A detail is on sheet 16 of the engineering plans. The ordinance does allow two pylons because it is a corner lot. They will just request the one sign. Mr. Chadwick stated that the message is what is limited. They have not granted a sign size variance before. Mr. Sewald proposed they could do the two signs and meet the ordinance for size.

Another variance request is for the building mounted sign. The ordinance has 100 SF maximum permitted. They request 125 SF and is under 10% of the total façade. The architect and the applicant have added features unique to other stores. There is a canopy, brick coloring, and details. It is more upscale than the standard Tractor Supply store.

There is another for the building mounted sign. It is for height, the ordinance maximum is 5 ft. they propose 6.25 ft. They could work on the pylon sign dimensions if they get the larger building mounted sign.

The fence requires a variance, for an 8 ft. tall fence in the front yard (any street facing area). Mr. Chadwick said the wrought iron design has a 50% open standard required and this is more than 50%. The pillars look good also. It is well landscaped. There will also be an opaque mesh but you will be able to see through it. Mr. Sewold went over the landscape plan for the board and buffering. The fence will be steel.

Mr. Chadwick went over his March 29, 2022 report. Most items had been addressed, variances, sign details, etc. They had discussed the wall sign and the one monument. They agreed. The fence will be added to the engineering plan. Mr. Chadwick and the applicant agreed to have Mr. Chadwick review and approve any landscaping. Lights will be off when store is closed other than security. The parking lights have shields towards the lighting along the residential properties.

Mr. Kastrud mentioned the retaining wall in the side yard set back causes the need for another variance. It is 7 feet at the highest point (at area of loading dock) and goes back down. The two lots will be merged into one so a deed of consolidation with metes

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 5**

and bounds will be reviewed by engineering and filed. There is a site triangle and they have applied to Somerset County Planning Board. If there is a change to the site triangle, they would need to vacate the existing or add on to it.

A General Permit 6 has been filed with NJDEP and is pending for the wetlands and associated buffer. The disturbance for it is still under the General Permit threshold. It is expected to be granted within a couple of months.

There is no parking on Community Place. Mr. Kastrud asked if they had done any earth work calculations. Only preliminary has been done. There is history of the gas station on site. There has been extensive LSRP work on the property. There is an unrestricted ROA on the property. There could be something that is found and will be monitored during excavation.

The details will be provided for the retaining walls. It will probably be a gravity block wall. Mr. Rica and Ms. Carleo arrived around 7:47. There should be no conflicts with catch basins using the gravity block wall.

Mr. Kastrud asked about the curb returns. There are some varying curb radii. Mr. Sewald went over them on the site. The access drive leading into the retention detail will be put on the plans.

Mr. Kastrud spoke about the permeable pavement and lighter traffic areas. Mr. Sewald said products have been changing and the porous pavement has been improved. They will provide specs. It is six inches of pavement.

Mr. Kastrud asked about the outdoor storage drainage flowing towards the permeable pavement and if they could eliminate it. Mr. Sewald said it is a challenge with space. There will be a vacuum truck often to ensure the voids are free of debris.

Mr. Kastrud asked about the septic system and is the area adequate for grey water/black water and reserve. Mr. Sewald said it is and the county and the township are reviewing plans and may ask for revisions. It will not go through the stormwater facility.

The county has asked for additional turning diagrams. Mr. Sewald went over the movement and will provide items to the county.

Mr. Villani asked about the permeable pavement and inspections. The O&M of the stormwater requires inspections once a year. They will record the manual with the county. It is deeded with the property. They will send reports annually at a minimum.

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 6**

Mr. Villani asked about the lighting on the sign. Mr. Sewald said the sign on the building is internally illuminated. There are goose neck lights on the building. The lights are downward facing and they will be shielded towards the residential properties.

Mr. Cooper asked for questions for the testimony just given. No one came forward and that portion was closed.

Mr. Powers brought Ms. Peck forward, from Tractor Supply, and Mr. Cooper asked why the company feels Warren is a good place for a store. She has stores in New Jersey and Pennsylvania and the customers love them. They heard from customers in this area who are excited to have a store in Warren. They appreciate their customers. Mr. Cooper said it is not a typical location, not a main road and not a large shopping area.

Ms. Peck said the customer base is growing. The number one growing customer is female. They get to garden and raise a family and be healthier. They sell a lot of items for the home. A lot of people get chickens and love having their own eggs.

There were no further witnesses. They agree with the conditions of Mr. Chadwick and Mr. Kastrud proposed.

Mr. Cooper opened the public comment portion of the meeting, seeing no one come forward, he closed it.

Mr. Powers went over the variances, impervious coverage of 72.6% where 60% is required. The variance of the 10 ft. wide landscape aisle in the parking lot, number of parking spaces 54 proposed vs. 101 required. There is a residential buffer setback of 50Ft from parking and loading area that they don't have. The maximum building mounted sign area 10% of the wall or 100SF maximum vs. 125SF proposed. And it is 6.25 height vs. 5 maximum. (they removed the variance for the free standing sign area). There will be one pylon sign complying with the 50 SF maximum. A fence height of 8 ft. in the front yard along Community Place (by the outdoor storage area). They also will comply with the height maximum for the free standing sign. There is a retaining wall variance for the height.

Mr. Cooper mentioned that two members arrived late. Mr. Rica was present for the use variance application. Ms. Carleo did not vote on this application. They deliberated. All members, Mr. Paoella, Mr. Rica, Mr. Villani, Mr. Galbraith, and Mr. Cooper felt all items were addressed.

A motion was made by Mr. Villani, seconded by Mr. Galbraith to approve the application.

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Cooper, and Mr. Paoella.  
Against: None. Abstain: Ms. Carleo

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 7**

CASE BA 20-09     Team Contractors  
                         Block 12 lots 17 & 18  
                         5 Second St.  
                         Minor Subdivision with variances

Mr. James Pryor came forward as the attorney for the applicant. There was discussion concerning the (d) variance and the number of members present. Mr. Pryor wanted to at least get the hearing started. Mr. Pryor said they would have two witnesses, their engineer and their planner. The applicant, Team Contractor, LLC and the owner of the property was not available and was in the hospital. The engineer is Ken Dykstra, of Dykstra Walker and Mr. Matt Flynn is the applicant's planner. There are some set back variances and a FAR variance for lot 17. It is a two-lot subdivision. The witnesses were sworn in by Mr. Bossong as well as the Township Planner, Mr. John T. Chadwick, and Mr. Christian Kastrud.

Mr. Dykstra gave his credentials and was accepted by the board. There was an Exhibit A-1 brought in, it is similar to the submitted plan, sheet 5 of 8 (grading and utility Plan) that is colorized. Mr. Dykstra went over the exhibit which includes surrounding properties. The property is located on Elm Avenue and Second St., and has frontage on Third Street. On the property (about 72,000SF) in total and there is an existing house which is about 85 years old. It is not occupied and there are some out-buildings; storage shed and garage. They started this project about three years ago and did have a Wetlands Interpretation confirmed in 2018. A portion of the property is in wetlands. These are two separate tax lots currently, lots 17 and 18, block 12.

Mr. Pryor asked about the wetlands and the ability to locate a dwelling. They needed to adjust the lot lines to accommodate a proposed home on lot 18. Mr. Pryor asked if they did not do a minor subdivision could they develop on the rear lot. No it could not be developed without the subdivision. The existing dwelling is in poor condition.

They intend to take the existing house down to the foundation and rebuild over the existing foundation and expand. There would be a porch on the front and a deck on the rear. It would be 3100SF of living space and would have another 400SF of garage. There is a storage building and a garage existing that would be removed.

Second St is approximately a 12 ft. gravel roadway. Part of this roadway was maintained as the driveway for the property. Second street also serves adjacent lot 16. They propose to improve Second St. to a 20 ft. width and improve the profile and have a hammerhead turn-around at the end. It is basically a common driveway. It will serve two existing homes and one additional home.

Mr. Cooper mentioned the right of way and the existing dwelling and a number of trees in the existing right of way. None of those trees will be impacted. Mr. Pryor asked

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 8**

about the state of the existing roadway/driveway. Mr. Dykstra said it is about 200 ft of gravel and is about 12 ft. wide. After that is a lawn area.

There is a need for a vacation of part of Second Street. The Township Committee would have to vacate that portion. They did go to the committee about the unimproved portion. They propose to split that up between lot 18 and lot 16 and lot 15. The Township Committee pushed it to the Board of Adjustment and would base it on the decision of the board.

The utilities are currently overhead wires. The new dwelling wires would be underground. Everything in the area is over head wires.

Mr. Dykstra said that the disturbance would be about 0.7 acres. Some impervious will be taken out and some added. Impervious coverage is about 8000SF today and will be about 12,500SF proposed. It is not a major stormwater project.

They do intend to infiltrate the roof areas of the proposed dwelling provided the soils are feasible for that. The water table may be high. Mr. Cooper asked how they would take care of stormwater with adding roofing to the lots.

They still need to test the soil, but it is not a major development and Mr. Dykstra anticipates using shallow infiltration system. Mr. Cooper is concerned with where the water will go and if it will it affect the neighboring properties. Mr. Kastrud stated that another site in the area was tested and the groundwater was only six inches below the surface. Drywells won't work. There has to be a creative solution.

The septic system will be taken out and they have approval for two EDUs from the sewer department. They have the resolution from the sewer department. Each house will have a grinder pump and the sewer line will come through an easement to sewer at Elm Avenue. There is a well and it has been tested.

Mr. Chadwick asked about the Exhibit A-1 and where the transition buffer line was. Mr. Dykstra marked the Exhibit A-1 with a pencil where the 50 ft. transition line is on the plan.

Mr. Cooper mentioned the drywells on the plans and his concern with no soil testing and he felt that they were not prepared to be going through the hearing process.

Mr. Pryor asked Mr. Dykstra if he had any suggestions to relieve those concerns or do they need to take a second look. Mr. Dykstra said they could potentially come up with a rain garden area at the end of the Second St. improvement and treat the water from the pavement in that location.

Mr. Chadwick reminded the board that the ROW is under the township jurisdiction.

**BOARD OF ADJUSTMENT  
MEETING MEETING  
June 6, 2022  
Page 9**

Mr. Cooper felt they cannot make a decision with the lack of decision of ROW vacation especially with the stormwater possibly relying on it. Mr. Pryor said if the board would approve the application, it could be contingent on the Township Committee approving some type of infrastructure.

There was further discussion and it was suggested to check the wetland studies and work with Chris Kastrud on what it might take to reassure the board to continue to hear.

Mr. Pryor wished to complete the engineering testimony and assess where they are after that. There is concern about runoff and they will have to look further at that. Mr. Pryor asked Mr. Dykstra to go over the variances.

Mr. Dykstra went over the two setback variances; on proposed lot 17 there is a setback of 21 ft. vs. 50 ft. from the right of way (the existing house is already non-conforming). There is also a setback variance (from Second St.) on lot 18 that is 7 ft. from the ROW vs. 50 ft. It is an unimproved section of Second St. The FAR variance proposed is based on the architecture plans (although they were not submitted to the board). Exhibit A-2 was brought in and they are the architecture plans. They decided to submit the architecture plans subsequent to this meeting and Mr. Chadwick could review the FAR calculations.

The applicant's attorney and engineer decided to discuss the FAR at the next meeting and also work on the status of wetlands, run-off, and ability to protect residents who live nearby. Mr. Pryor said they will come back with additional testimony to address the concerns.

Mr. Cooper suggests to work with the Township Engineer and if you need to put something in the Second St ROW they should go back to the Township Committee and ask to vacate it.

Mr. Chadwick also reminded that if there are public improvement in the Second St ROW it may push it to a major subdivision. The board has no documentation that the board would vacate the ROW if the Board of Adjustment approves the subdivision.

It was decided to carry this hearing to August 1, 2022 with no further notice at 7:00 p.m. at 44 Mountain Blvd/courtroom. Mr. Pryor granted the extension of action through August.

Motion was made by Mr. Villani, seconded by All were in favor. Meeting adjourned at 9: p.m.

**Next meeting will be July 18, 2022**