

# Warren Township Board of Adjustment Meeting Minutes

June 7, 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 Zoning Board of Adjustment

Time: May 3, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/9087538000?pwd=VjlzSTkybWRxc1BweTI3WVpYMFNNdz09>

Meeting ID: 908 753 8000

Passcode: 081576

One tap mobile

+19292056099,,9087538000#,,,,\*081576# US (New York)

+13017158592,,9087538000#,,,,\*081576# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

Meeting ID: 908 753 8000

Passcode: 081576

Find your local number: <https://us02web.zoom.us/j/9087538000?pwd=VjlzSTkybWRxc1BweTI3WVpYMFNNdz09>

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@warrenj.org](mailto:mvautin@warrenj.org) or 908-753-8000x243 OR Lisa Sammartino at [lsammartino@warrennj.org](mailto:lsammartino@warrennj.org) or 908-753-8000 x 244.

Site Plans and applications for the hearings for June 7, 2021 can be found at [warrennj.org](http://warrennj.org) under the Board of Adjustment page-left side bar Pending Applications and Plans

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

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**CALL TO ORDER:** The Chairman called the meeting to order at 7:04p.m.

**ROLL CALL:**

Mr. John Villani  
Mr. George Dealaman  
Mr. Fernando Castanheira  
Mr. Frank Rica  
Mr. Donald Huber (excused)  
Mr. Michael Galbraith  
Mr. Foster Cooper  
Mr. Scott Bowen, Alt. #1 (excused)  
Mr. Anthony Paolella, Alt. #2 (excused)  
Steven Warner, 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 May 3, 2021 meetings were forwarded to members for review.

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

**ROLL CALL**

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, Mr. Cooper.  
Against: None.

**COMMUNICATIONS:**

**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.

Mr. John Micheller came forward from 33 and 35 Ferguson Road and was concerned about the Moorecraft Farm. There is no supervision of the property and there are a lot of people flying drones over his house and his neighbors house. There are people on dirt bikes from all over the town ripping up the property. He had approached the town

about putting a privacy fence put in. He has called the police. Mr. Chadwick suggested that he call the zoning department. This portion of the meeting was closed.

**CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

**RESOLUTIONS**

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

There were no questions concerning the resolution. Motion was made by Mr. Dealaman, seconded by Mr. Castanheira to adopt.

**ROLL CALL**

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Cooper.  
Against: None.

**ANNUAL REPORT**

The Board of Adjustment 2020 Annual Report was distributed for review. Mr. Cooper was pleased with the report. There were no questions.

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

**ROLL CALL**

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, Mr. Cooper.  
Against: None.

CASE BA 20-01      Michael Dalton  
Block 78 lot 25  
Use Variance and subdivision  
Request for Extension of Approval  
Memorialized 9/21/2020

This extension would give an additional year for the approval. Motion was made by Mr. Dealaman, seconded by Mr. Villani.

**ROLL CALL**

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Castanheira, Mr. Rica, Mr. Cooper.  
Against: None

**AGENDA CASE APPLICATIONS:**

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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, March 1, and April 5, 2021, and May 3, 2021 meetings.

Mr. Jay Bohn came forward and introduced Mr. Chris Nusser who had previously testified as the applicant's engineer. He will testify as Planner. He has been a licensed professional planner in New Jersey and it is in good standing. He has testified before numerous boards. He was accepted by the board.

Mr. Nusser went over the portion of the zoning map centered around the property. The subject property is in the NB zone, neighborhood business. The objectors used the exhibit as Exhibit O-1 and this was a portion of that. Mr. Kline went over the Exhibit O-1 from Mr. Peter Steck, the objector's planner. Mr. Steck was not available for the meeting and Mr. Kline asked if he could testify later and be available for next meeting.

Mr. Nusser continued with the portion of the exhibit O-1. The surrounding uses and zones include residential property to the east and the north. It also includes commercial and industrial use along Stirling Road. The BR-80 business residential district is located across the street from the site as well as adjacent. The proposed use is essentially accessory to the existing permitted use. The site has changed and improved since it was the Chanticlear. The proposed hotel has become common for banquet facilities. It is really a necessary addition to continue to draw the upscale clientele.

There is a d(1) use variance proposed for the addition of the hotel to the site, as well as d(6) variance for the height of the structure. This site is particularly suited for the use. The hotel supports the existing catering use on the property. The purpose is to be onsite with the catering facility.

The proposal advances several purposes of the zoning. Purpose (a) to promote the public health safety and general welfare. It also meets purpose (h) to provide for transportation routes that are sufficient by allowing people to stay on site opposed to having traffic after the event.

It also promotes purpose (g) to provide sufficient space for a variety of uses throughout the Township. This use is not permitted in other parts of town. It does have hotels in the areas of the business parks by the highway.

The Township ordinance definition is a hotel having more than 100 rooms. So it doesn't quite meet the definition as it has less rooms.

Mr. Nusser went on to say the height variance is to be weighed on a more relaxed standard because it is part of an application for a use variance. It is more on what can people see, how does it impact the visibility of the area. The variance is a result of the topographic condition on the site, it is located on a slope. The eastern side of the building (Stiles) height could be reduced. There would still be a wall and it would have more disturbance. There is landscape proposed that adds to the existing buffer. There was discussion on landscaping and the existing deciduous vegetation. They could take direction from the township on plantings after construction is completed.

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Mr. Nusser does not see a substantial impact to the public good by granting the variances (negative criteria). The building is located pretty well behind the existing banquet building. This limits a view from Dillon Court properties. The Master Plan discourages large retail shopping centers and strip retail development. The neighborhood business zone permits service uses such as or similar to the existing use, and the hotel would be complimentary to the use.

The ordinance does allow for hotels in the OR zone with at least 100 rooms so more intense. This use is a service use that is intended in the zone but not specifically listed. It works with the banquet facility on the property. There are banquet facilities that offer hotels on their property.

Mr. Nusser stated it does not intensify the use as the guests that will use the hotel will already be at an event on site. It draws the high end clientele that uses the facility.

Mr. Castanheira asked about the positive criteria and that safety is a component. There have been no accidents for all the events that have occurred at the property. Could they make arrangements with the nearest hotel to shuttle back and forth. Mr. Bohn reminded the board that there was testimony that it would not provide the same experience.

Mr. Villani asked about the negative criteria that were corrected. Mr. Nusser said that the negative is the visual impact and that they enhanced the landscaping plan. There was balconies but they will be removed. There was incorrect ideas about a roof top bar and a pool that are not proposed.

The hotel is located on the east side of the site. The homes on Dillon Court are to the north of the property on the other side of the banquet room. There is a home across Stiles Road up the road a little bit and has a wooded buffer. Across the street are businesses.

Mr. Castanheira asked if it was 50 trees that will come down. It is 50 trees where the hotel will be built and they vary in size, some very small.

The board asked about some of the rooms on the floor plan. There are larger rooms that are Bridal rooms on the first and second floor. There are also two lounges in the hotel and are smaller than rooms in the catering hall. They could be used for breakfast the next day or for a ceremony. All balconies will be removed.

There was discussion on getting rid of the third floor. The applicant said there would not be enough space to have the number of rooms. Mr. Nusser said it fits on the site but could not make it longer or wider.

Mr. Chadwick asked about the hotel being accessory but it is a newer use that the catering industry is promoting. An accessory use is common and incidental but the size of the hotel is pretty large compared to the catering area or about equal.

Mr. Chadwick said that it is a primary use and not accessory. Mr. Nusser felt it is a second principal use because the catering guests will be the hotel guests, and operates subservient to the catering facility. Mr. Chadwick asked about reducing the outdoor engagement area/front yard area and get the building off the slope (move more towards Stirling Road). He asked if it had been discussed. It had been discussed. Mr. Cretella felt this location was the least intrusive to any of the neighbors. The building is only two stories from the one side where the height is coming in from the hill side.

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Mr. Chadwick asked if it had been explored to push the building towards the front of the other building. This does come into the front yard setback.

Mr. Castanheira talked about the parking and that guests will already be onsite. This proposal does not take away any parking spaces. Mr. Cretella said a reason for the garage is access to elevator and to take trash out. Changes could be explored.

Mr. Chadwick thought that the removal of the garage might lower the overall building height. He suggested a picture of it, especially from Dillon Court view. Mr. Cretella said they had spoken with the Fire department and they had planned on stabilized ground in the front of the proposed building for emergency access, but maybe they could have that as the access to the hotel itself.

Mr. Chadwick said if you don't keep parking under the building, the driveway to it is not needed. This would help with noise towards the neighbors. If the applicant is going to make significant changes, then the application would continue at another meeting. Mr. Bohn asked if there were other concerns that might also be addressed at another meeting.

Mr. Kastrud asked about the testimony that the hotel is necessary for the site to continue to exist. Was that accurate? It was more that the high end events would continue with a hotel.

Mr. Cooper asked the board if there were other issues they had concerns with. Mr. Villani asked about the rooms/lounge space for breakfast. Mr. Nusser suggested that it could be used for after an event the next morning for breakfast for the wedding party. It could be used for a ceremony, or other small gatherings for a bridal/wedding party.

Mr. Cooper thought the lounge rooms may be excessive and perhaps could be used for rooms and reduce overall space.

Mr. Kline came forward for the opposing residents. Mr. Kline asked if they should wait for the new plans to be submitted. Mr. Kline asked Mr. Nusser how many times he had been retained to provide testimony. Mr. Cooper stated they should give any information that the applicant can address for the opposing side before plans are revised so that the items might be addressed within the revised plans.

Mr. Kline said that the issues of height of the proposed hotel along with the expansion of the current problems that exist. Increasing volume of disturbance of their residential properties. The detrimental impact of the existing catering events, and adding to it with a hotel, with additional hours of operation, and the noise and light and garbage and safety concerns of the residents. Some things may be addressed by revising the plans, the negative impact is already existing. These would be exacerbated by any hotel.

Mr. Cooper asked Mr. Kline what the safety concerns are. Mr. Kline said that they would be discussed by one of their witnesses.

Mr. Chadwick clarified that the neighbors are upset with the current site. Mr. Kline also added that these issues might be amplified with the hotel, and new concerns with a hotel. The clientele won't change with or without a hotel. Mr. Chadwick asked about the safety issues. Mr. Chadwick stated that the zoning office has not received a complaint on the property.

Mr. Kline said the issue is mainly with the guests improperly using the grounds and has extended onto the neighbor's property. The board called for a ten minute break.

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Mr. Bohn had a discussion with his clients. Mr. Bohn came back and asked to adjourn to August 2, 2021. The board agreed.

There was no decision on whether it would b hybrid or all in person only.

**NEXT MEETING: July 19, 2021 Meeting**

**MEETING ADJOURNED:** Motion was made by Mr. Cooper, seconded by Mr. Dealaman. All in favor. Meeting adjourned around 8:20.