

Warren Township Board of Adjustment Meeting Minutes  
October 4, 2021  
**APPROVED**

**CALL TO ORDER:**

**ROLL CALL:**

Mr. John Villani  
Mr. George Dealaman  
Mr. Frank Rica  
Mr. Donald Huber  
Mr. Michael Galbraith  
Mr. Foster Cooper  
Mr. Scott Bowen, Alt. #1  
Mr. Anthony Paolella, Alt. #2  
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.

**FLAG SALUTE:**

**MINUTES:**

The minutes of the September 20, 2021 meetings were forwarded to members for review.

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

**ROLL CALL**

For: Mr. Villani, Mr. Dealaman, Mr. Huber, Mr. Paolella.

Against: None..

**COMMUNICATIONS:** none

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

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

**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, March 1, and April 5, 2021, June 7, and August 2 2021 meetings.

This application was carried to the December 6, 2021 meeting with no further notice.

**CASE BA 21-01      Hix Snedeker Company, LLC**  
Block 110 Lot 9.03  
Use variance and multiple bulk variances

Mr. Lawrence Powers came forward as the attorney for the applicant. The application is a (d) variance to allow for outdoor storage with a permitted use proposal. A Tractor Supply Store is proposed at 69 Stirling Road. The engineer, Josh Sewald from Dynamic Engineering went over the plans. He was previously accepted and sworn in at the previous meeting. The plans have been revised at the suggestions of the board and professionals. It is a more rectangular shaped building and increases the side yard setback. Stirling Road fronting in the north-side directions and Community Place at the bottom of the property running east-west direction. Mr. Sewald referenced Exhibit A-2, dated May 18, 2021, Conceptual Site Plan. There is a 19097 SF store building identified in the box, with a 15,000SF fenced outdoor display area (in the yellow block)

There is parking up in the front between the building and Stirling Road. There is a pink block with outdoor (up front) trailer display area. In the rear there are additional parking spaces. Loading is located to the north of the building. They worked on the plan and there is a new Exhibit A-5

Mr. Sewald introduced into evidence, as **Exhibit A-5**, Conceptual Site Plan 'B' dated May 18, 2021, last revised September 24, 2021. He explained that the modified plan includes a similar arrangement to the prior plan with parking in the front and rear of the building. Mr. Sewald contended that the revised plan allows the Applicant to provide a better layout, with additional space to provide buffering between the building and the Community Place right-of-way. The earlier setback from Community Place was 7.2 foot setback and now it is 39.2 feet from the Community Place right of way. The setback required is 60 feet. Ms. Cafone will go over the setback later. This is less intense variance from the front yard.

Mr. Sewald explained that modifying the building shape and location resulted in an increase in the size of the building from 19,097 square feet to 20,276 square feet, and an increase in coverage from 68.6% to 72.6%. He further explained that, based on his conversations with Mr. Chadwick, it was more important to modify the shape and location of the building than to maintain the proposed size of the building and coverage associated therewith. Mr. Sewald noted that the same variance relief is requested – just that the magnitude of the deviations had been reduced.

On questioning as to whether the Property remained particularly suited for the proposed use, Mr. Powers contended that it did remain so suited. On questioning as to the proposed stormwater management measures, Mr. Sewald reminded the Board that the Applicant cannot connect to the public sewer system, because there is a lack of sewer capacity. He explained that the Applicant will construct the septic field near Stirling Road. Mr. Sewald further explained that the Applicant is proposing to use porous pavement to help mitigate stormwater runoff.

On questioning, Mr. Sewald explained that the Applicant is proposing a 6 to 8 foot tall fence. Mr. Chadwick advised that the details of the fence height and fencing materials can be determined at the subsequent site plan application phase of this bifurcated variance application. He further advised that parking and circulation also would be addressed at the site plan application phase.

Bob Peterson, from the Warren American Legion, having an address of 12 Community Place, questioned whether the proposal would increase traffic on Community Place. There will be some increased traffic on Community Place. No one had further questions, and this portion of the meeting was closed.

Christine Cofone, (planner for the applicant) having been previously sworn, summarized her testimony from the prior hearing. She contended that modifying the shape and location of the proposed building resulted in a better proposal, because the setback from Community Place had been increased so as to allow additional screening. Ms. Cofone contended that the building itself remains aesthetically pleasing. This proposal also eliminates the non-conforming gas station, although it has not been operational for many years.

Mr. Chadwick suggested that two bulk variances are critical to the plan, the setback from Community Place and the buffer along the residential zone to the north. The (d) variance is the outdoor storage and all of these should be part of the variance, other items can go to the site plan application.

Referencing Mr. Chadwick's October 4, 2021 Review Memorandum, Ms. Cofone explained that, in the NB Zone, the streetscape is important and, here, the proposed improvements will be aesthetically pleasing to the extent that they are even visible from Stirling Road. On questioning as to whether the Board could be certain that the Applicant would not get the outdoor storage approval and then change the proposed use, Ms. Cofone explained that the plans are incorporated into the Resolution by reference and the Applicant is required to comply with the plans and the Resolution.

Ms. Cofone reminded the Board that she previously testified that the Site is particularly well suited for the proposed retail use with outdoor storage to the rear, because the NB Zone allows for retail. She explained that the lot is 200 feet by 600 feet with the narrower side of the Property being adjacent to Stirling Road. Ms. Cofone noted that, generally, retail uses on major roads require visibility, but in this case, the lot is particularly appropriate for a narrow building with storage to the rear of it as the storage area will be buffered by the building, proposed fencing and buffering, and the distance of the building from the right-of-way. Additionally, the Applicant will be able to provide additional buffering

between the building and Community Place, further reducing the detriment associated with the outdoor storage use.

Ms. Cofone noted that, based on the Trip Generation Assessment prepared by Dynamic Traffic dated June 30, 2021, the proposed use is anticipated to generate a reduction in peak hour trips when compared to the former gasoline service station use. She further noted that the Property is not encumbered by freshwater wetlands and will be able to accommodate the necessary septic system, as well as comply with the updated stormwater management regulations recently enacted by the NJDEP. Ms. Cofone contended that, since commercial uses are permitted in the NB Zone, the Site will be developed and, since there are more intense permitted uses, the proposed use is ideal given its reduced traffic generation. She further contended that the proposal continues to advance the purposes set forth in subsections (a), (c), (i), (g) and (m) of Section 2 of the MLUL.

Ms. Cofone contended that the proposal advances the purposes of the Master Plan and Zoning Ordinance in that the use discourages strip retail, encourages renovation and expansion of an existing Property, complies with the general design standards, and provides an aesthetically pleasing building with numerous façade improvements such as brick, awnings, and a large vestibule.

Mr. Cooper asked if there was a representative from Tractor Supply. There was not. The concern is that the board can't ask the Tractor Supply representative questions. Mr. Sewald assured that Hix is the preferred developer for Tractor Supply, and Mr. Sewald can answer a lot of the questions on how the stores are run. Mr. Cooper was sure there was a regional manager for the New Jersey stores. Mr. Cooper feels this is not a typical location for a Tractor Supply Store.

On questioning as to why the Applicant was proposing to construct a Tractor Supply Company in Warren, Mr. Sewald explained that Tractor Supply Company is a niche store that is generally located along major roadways. He noted that the Applicant does not want to locate this store near high density development and Warren Township seemed like the appropriate location. Mr. Sewald explained that this location will cater to smaller residential farms in the surrounding area.

Mr. Huber asked if the hydrant would be private or public. Mr. Sewald advised that hydrant had not yet been determined, and it could be addressed at the site plan application phase. He further advised that the Applicant generally obliges to requests from emergency personnel.

On discussion of the proposed propane tank, Mr. Chadwick advised that the Fire Marshall, as set forth in his July 22, 2021 Review Letter, recommended that the outdoor Propane Fill Station shown on the plans be replaced with a Propane Tank Exchange program to reduce any potential increased fire hazard. Mr. Chadwick further advised that the Board, historically, has required applicants to obtain d(1) use variance relief for propane fill stations, but not for propane tank exchange programs. After discussion, the Applicant requested that the Board amend the application to eliminate the proposed fill

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station. Mr. Powers explained that if the Applicant wishes to install the propane fill station, the Applicant will have to return to the Board for further d(1) use variance relief. Mr. Cooper opened the hearing to public questions.

Manfred Dreschniol, having an address of 3 Kathy Lane, questioned whether there will be sufficient access to the firehouse. Mr. Sewald contended that there is plenty of room on the Property to accommodate vehicles. Mr. Dreschniol further questioned whether a Tractor Supply Company store is appropriate in Warren, particularly since there are not a lot of large farms in the area.

Kai Von Riman, Community Fire Company #3, questioned whether the height of the building requires variance relief, and he was advised that it does not.

Brian Cashman, President of Community Fire Company #3, was duly sworn according to law. He questioned how the Township could ensure that the proposed Tractor Supply Company will not block emergency personnel access to the firehouse or otherwise slow responders. Mr. Powers reminded Mr. Cashman that the proposed use will generate less traffic than the previously existing gas station. Mr. Cashman explained that he is also concerned that the type of traffic will include customers with trailers and that customers with such trailers might block on- and off-site circulation. Mr. Powers explained that parking is not permitted on Community Place, and that any violations of the parking regulations could be enforced by the police department.

Michael Surbrug, 8 Dillon Court, was duly sworn according to law and expressed concern about the anticipated tractor trailer traffic on Community Place and Stirling Road.

Kai Von Riman, 2 Verona Place, was duly sworn according to law and expressed concern that the proposed Tractor Supply Company would have a negative impact on the Township. He was concerned that this won't fit in and there are too many variances.

Christopher Pedreiras, 26 Old Smalleytown Road, was duly sworn according to law and expressed concern about the nature of the proposed use, and whether it is appropriate for the Township given Tractor Supply Company's business model. Usually, the stores are on major highways. He doesn't care for the aesthetics of the plan.

Joseph Farro, 3 Sage Drive, was duly sworn according to law and expressed support for the proposal, as it would improve a "depressed" area of the Township.

No other members of the public commented on the Applicant's proposal.

Ms. Wolfe went over the application, it is a bifurcated use variance to construct a retail store with outdoor storage and display areas, and bulk variance relief for the insufficient setback from Community Place and insufficient buffering to the residential properties to the north.

The board deliberated. Mr. Bowen commented that they should have had someone from the company, and have better materials for exhibits, have more pictures.

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Mr. Paoella mentioned the fencing enclosure and that it does buffer the back outdoor display and that they did push the building back from Community Place.

Mr. Rica feels what is there currently is an eye sore and would like to see it cleaned up. He likes the building but does want No Parking signs on Community Place.

Mr. Huber was at first surprised to hear they proposed a store there. He does shop in the stores. He does not feel there are issues with emergency equipment access and movement on Community Place. He felt the presentation was good. There will be some issues at site plan to iron out.

Mr. Dealaman believed they met the suggestions of the township planner with getting the building back off Community Place. Mr. Galbraith was satisfied with the application and how Tractor Supply runs their stores. Mr. Villani felt that based on the application for outdoor storage he did not object. The next application, the site plan, will have some details to work through. Mr. Cooper agreed with the board and that the applicant will be willing to work with the requests of the board. The outdoor storage he can go for.

Ms. Wolfe read a motion for the d(1) variance for outdoor storage, and two bulk variances for the setback and buffering and will include all the stipulations on the record..

Motion was made by Mr. Villani, seconded by Mr. Galbraith.

ROLL CALL

For: Mr. Villani, Mr. Dealaman, Mr. Galbraith, Mr. Rica, Mr. Huber, Mr. Cooper, and Mr. Bowen.

Against: None.

**CASE BA 20-05      Zhengyuan Education USA, LLC**  
Block 71 Lot 66  
Minor Site Plan with Use Variance  
(not meeting all conditions of conditional use)

Mr. Richard Sasso, attorney for the applicant, came forward. The application is for what was the Somerset Hills School on Mount Horeb Road and Harmony Road. They will use the existing buildings. The applicant, Sundance School, exists in North Plainfield. There will be several witnesses. Schools are permitted in the residential zone. This is a dormitory use as was used in the Somerset school and there are some pre-existing c variances. Dormitory facilities were existing, there is a setback variance. There is 39 ft proposed where 50 ft is required. The buildings were built prior to 1948, which was when zoning was passed. There is an accessory building setback (minimum 25 ft) with existing variances required for building 4, 5, 7, 8 and 9. There is front yard setback required with existing variance for building 15, 17, and 17G pre-existing non-conforming. There is a variance required for buffering.

The numerous lots would be consolidated. The witnesses will be Schoen Engineering, James Kin as engineer and professional planner. The architect is Shean Wang and he will go over the rehabilitation of the buildings. There is a representative from Atlantic Traffic. The headmasters will also give testimony on the operations of the school. Lintao Luo, the son of the owner of the

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school was available to testify. The witnesses and the township professionals were sworn in by Ms. Wolfe.

Mr. Chadwick mentioned the provision in the R-65 zone for schools with dormitories. That school had to have certain licenses (the Somerset Hills school), many of the students had been incarcerated. The licenses are why the applicant has to come to the board. The township could not find a permit for the summer camp that had been run previously.

Mr. Sasso asked Ms. Janet McNally to come forward. She gave her credentials and was accepted. She is one of the heads of school. She has been with Sundance since 1991, she was a parent, then worked and taught there with two and three year olds, taught music and worked her way to director. She said the school was started about 45 years ago by a social worker and his wife. They focused on reaching the whole child. They educate through play, though an environment of acceptance, an environment where every child has a voice and every child is valued. The philosophy extends all the way to their fifth graders.

The curriculum is steeped in creativity. There are dramatics, music, violin, dance, movement classes. The teachers collaborate with one another on subjects. There is more than the basics of math and language arts. Those are also valuable tools that all need to learn. The students leave the school tremendously prepared academically and prepared as good citizens. They are all a family. There is a very close relationship with the families, the parents-teacher relationship is invaluable. The parent and administration relationship is very important. They have been doing this for 43 years. Department of Education approves this school and they have a licensing in early childhood. They are licensed to age 13 but the safety standards are higher because of the two year olds in the program. The address of the current school is 401 Green Brook Road and there are 57 students.

The lower school consists of three different sections, Moon Room children has two and two and a half year olds. There is a Tree Room with three plus age. And then they have a pre-K (Sun Room) which is four year olds by October 1<sup>st</sup> and turn 5 during the school year. They have kindergarten, 1<sup>st</sup> grade, 2<sup>nd</sup> grade, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>.

The company is owned by Mr. Luo. They would like to bring what they have in North Plainfield and bring it Warren. Once established they hope to grow to 8<sup>th</sup> grade. They are considering in phase 2 or 3 including high school students (down the road). They agreed to cap the number of students to 200. Mr. Sasso stated there is a capacity for 300 students.

Mr. Bowen asked if they were accredited by the NAIS. They are not. A lot of private schools go for that accreditation.

Mr. Sasso asked about the plans for the existing gymnasium. There is an extraordinary theatre camp program. There is a camp in the summer and also during the course of the school year Every student comes up on the stage and enjoys it. They want a stage and a place for the process. They want sports and the space for theatre. There would be regular programs for theatre, and performing arts. The summer school currently is the summer theatre program, they had three two-week programs. There is another camp for the little ones. They hope to also expand the school curriculum with fencing and math. They end the school year on a Friday and typically the camp begins the following Monday. They typically go to the last to the first week of August. Then break until September.

The main building, the Farm House, would be the main school building. They continued with some of the proposed uses for buildings and that the correct amount of square feet must be

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given for the ages of the children. This year with 52 students they never closed their doors and the staff cleaned for the school, cleaning all touch areas.

Mr. Villani asked about the children being dropped off by 8 a.m. Ms. McNally said the school day is 9 to 3 and about a half a dozen students come in a little earlier and some stay later. Mr. Villani asked if there would be police support during drop off and pick. There will not, only for special events. A staff member is outside for drop off and pick up.

Mr. Cooper asked to open to the public for questions of this witness. Mr. Tom Strauser from 6 Harmony came forward and said that some of the residents on Harmony Road had asked him to give some questions. Mr. Strauser said that online the school had up to 134 students. He asked what the school would expect for attendance numbers. Ms. McNally said some of the students might not come to Warren so she thinks starting with 50 would be extraordinary. It may be a slow start. Eventually they hope to get to 200 students. Ms. Strauser said that in the application it is mentioned 300 with 100 in the dormitories. Ms. McNally said if they had 100 in the dormitories then 100 would be dropped off.

The engineer for the applicant came forward, Mr. Kin, and gave his credentials and was accepted.

The design with 23 EDUs in place would limit to 200 students, with 50 as boarding school students, and 150 day students. The summer camp students 60 overnight and 120 day campers.

Mr. Strauser asked about the faculty staff ratio to student. Ms. McNally said their ratios are much smaller than required. For 2 and 3 year olds the ratio is five to one. As get older, 6 to 1 and 7 to 1. Now with the 57 students there are 15 teachers. They hope the teachers they have now will come to the new site. The majority of teachers are degreed and some have their masters. They consider themselves a school and not a day care center.

Ms. McNally said they will have lunch with a cafeteria and employees. They have not run a boarding school before but she is sure there will have to be security in the facilities, a nurse on site, and new licensing. Mr. Strauser is interested in the traffic to the site.

Ms. Jill Zambell came forward from 7 Harmony Road. She asked where the children that will board there will be from. Ms. McNally said there would be local students who want to board and international students.

Mr. Sanjeev Chadha from 1 Harmony road came forward. He is next to the front of the property. He asked about the noise level from the school. The engineer who will testify later and provide that information. Mr. Chadwick, asked who would be the person to ask about moth balling parts of the facility during the period of growth. The dormitory will not be occupied initially. The property has been vacant for a few years.

Mr. Sasso spoke about the phasing. First phase will be moving the school from North Plainfield to Warren and doing renovations on the buildings, mainly the gym, dining hall; they also intend to renovate the pools. They will refurbish the playgrounds, the cabins (getting more restrooms) and the dining building (A). They expect this to be done next summer.

Phase 2 has no time period but they are looking for approval for the first and the second phase. Phase 2 would be renovating the dormitory and then after getting state approval, which will be a condition, they would then take in boarding students.

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Mr. Chadwick asked what they expect for Phase 1 student population. They would like 100 or 120. They are asking for 200 now and are limited by the EDUs. Mr. Chadwick asked for a chart on number of students for Phase 1 and Phase 2 proposals. Mr. Cooper has concerns granting use for a boarding school when the applicant has not run one before. Mr. Sasso said it is regulated by the state and competent employees would be required.

There was further discussion on limiting to 200. They will get an exhibit together for the numbers of students and phases.

Mr. Sasso called Ms. Joann Merrigan, another employee of Sundance. She gave her credentials and was accepted. She discussed how long she has worked with the school and incorporating the arts into the curriculum. She also discussed the summer school and the arts and creativity.

Mr. Strauser came forward and asked about the traffic and a gym teacher directing traffic and staggered arrivals. They have had North Plainfield police help. They agree to stipulate to staggering students and families on the special function nights and have Warren police assist.

Mr. Chadha from 1 Harmony Road came forward and asked where the activities will be, what buildings. He is concerned with pool activity noise. He also asked about cars coming in and out at night. Ms. McNally said they never intend to have an event in the summer that would be late at night. Mr. Chadha is concerned with the noise during the day. He thought high school students will be a problem.

No one else came forward and the public questioning was done

Mr. Kin, the applicant's engineer came forward and gave his credentials and was accepted. Mr. Kin said the daytimer school is capable to handle 300 students but the sewerage authority and 23 EDUs keep the number to 200 students. For the summer camp it would be for 180 campers.

Mr. Kin went over the site plan, the lots, and the different buildings. They will only work on the first lot near Mount Horeb at phase 1. They will keep the back lots as is. Building A, dormitory, Building B, the main building (the Farm), and Building C will be an administration building, Building D the gymnasium will be in Phase 1.

There are some steep slopes, and some not very steep slopes. There was further discussion on all the lots and the topography. There is a seasonal creek on one of the back lots.

The variances requested are for the conditional use, and some bulk variances. The building has been in place before zoning. It may have been the first boarding school in the nation. They need a buffer area variance.

There are two monument signs that will not be lighted, one will be on Mount Horeb and one on Harmony Road. The Harmony Road parking is for staff. There will be 46 parking spaces in the front, 5 in the interior of the site, and 50 on the back area. The footprints of the building will remain the same. There will be some improvements including fencing, and parking lots.

Inside the campus there will be walking paths. At the next hearing they will discuss lighting. The board will have a special meeting on November 15, 2021 due to early voting and the November 1 meeting the court room is not available. The board clerk will notice the meeting date and the Zhengyuan Education USA, continuation of the hearing.

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There was a discussion on the current occupation of the houses and proposed occupation.

**NEXT MEETING:**

November 1, 2021 meeting cancelled due to voting  
Special meeting in November 15, 2021  
Next scheduled Meeting is December 6, 2021

**MEETING ADJOURNED** Motion to adjourn was made by Mr. Bowen, seconded by Mr. Galbraith. All in favor. Meeting adjourned 10:10p.m.