

## WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

### REGULAR MEETING FEBRUARY 4, 2013

The regular meeting of the Board of Adjustment was called to order at 7:05 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

**THOSE PRESENT AT ROLL CALL:** John Villani, Vincent Oliva, George Dealaman, Richard Hewson, Foster Cooper, Scott Bowen, Alt.#1 and Clerio Martins, Alt. #2  
Also present was Steven Warner, Attorney for the Board.

**THOSE ABSENT:** Brian Di Nardo and Fernando Castanheira

**THOSE TARDY:** None

#### **ANNOUNCEMENT:**

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 8, 2013.

#### **FLAG SALUTE:**

**MINUTES:** The minutes of the 1/7/13 re-organization meeting had been forwarded to members for review.

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

#### **COMMUNICATIONS:**

November/December 2012 issue of THE NEW JERSEY PLANNER

Memo dated 1/12/13 prepared by Christian Kastrud, P.E. concerning CASE NO. BA12-06 CAMP RIVERBEND, which will be heard this evening

#### **PRIVILEGE OF THE FLOOR PORTION OF THE MEETING**

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

There was none.

He closed that portion of the meeting.

#### **AGENDA:**

CASE NO. BA12-06 CAMP RIVERBEND  
BLOCK 82, LOTS 8 & 9  
116 HILLCREST ROAD

Application to construct a 3,200 sq. ft. pavilion on a concrete pad...preliminary and final site plan approval and conditional use variance and setback

Donna Erns, an Attorney, represented the applicants. The property is located at 116 Hillcrest Road – Block 82, Lots 8 & 9 in the Ep250 & R65 zones. They are seeking a conditional use variance as well as preliminary and final site plan approval.

The applicant has appeared before this Board on several occasions for modifications to camp related structures on the property. This application requests approval for a proposed 40x80 ft. pavilion. It would be located northeast of the existing pool area.

The witnesses: Paul Breene (one of the owners), Jule Szalay, P.E., and Stephen Lyden, P.P. were sworn in - as was John T. Chadwick IV, P.P. and Christian Kastrud P.E.

Ms. Erns said that the applicant is also seeking to relocate portable bathrooms to various locations as shown on the site plan. The Somerset County Planning Board, in a letter dated 1/31/13, approved the plan – since there are no adverse impacts to any County road or drainage facility. The Board of Health granted a waiver from the requirement to appear before its Board, since there will be little to no impact on the public's health based on the proposal. Neither the Police Dept. of Sewerage Authority had any issues.

The Fire Dept. submitted a memo suggesting the provision of fire access roadways capable of supporting fire apparatus to the area of all structures – 18 ft. wide roadways.

Exhibit A-1 was marked into evidence. It is the Somerset County Planning Board letter of approval.

Mr. Paul Breene, one of the four owners, was called to testify. He explained why the proposed pavilion is needed. The 40x80 ft. open air pavilion, to be located near the rear of the site between buildings 20 & 21, was necessary to replace an existing tent in order to better facilitate rainy day activities for the campers.

He explained the reason for the relocation of the portable toilet facilities. There is a greater need for them to be relocated from the east of building 11 to the west of building 22 where other such facilities already exist.

Mr. Breene stated that the photos submitted with the application were taken by his wife approximately two weeks before the submission. They accurately depict the present condition of an existing 50x50 ft. open air pavilion that is virtually identical to the one proposed. He stipulated, as a condition of approval, to the continued compliance by the applicant- with all conditions of prior approvals. He stipulated to the applicable conditions, which are set forth in the series of notes on the site plans.

Mr. Villani was told that no additional campers will be added as a result of the pavilion. According to their variance, they have approval for a maximum of 900 campers.

At Mr. Chadwick's suggestion, the applicant stipulated to, as a condition of approval, to dedicate to the Township a conservation easement for all wetland areas on the property. This conservation easement will permit activities currently established. Some are shown on the site plans. The easement document shall be drafted by the Township Attorney, signed by the applicant and recorded in the Somerset County Clerk's office. This must be done prior to the issuance of a building permit.

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

Mr. Jule Szalay, P.E. was called to testify. He gave his background and credentials and was accepted as an expert witness. He mentioned the existing and proposed conditions on the property. He described the proposal, which is consistent with the site plans that he prepared and submitted with the application.

He introduced Exhibit A-2 into evidence – a plan sheet entitled "Exhibit A", which is a reduced version of the top sheet of the site plan with the zone boundaries highlighted in yellow, the proposed site improvements highlighted in red and the changes to the site improvements since the Board's 2000 approval highlighted in gray.

Mr. Szalay mentioned that the use is a conditional use and the front yard setback was increased from 75 to 100 ft. and the side and rear yard setbacks increased from 25 to 100 ft., since the 2000 Board approval. He said that several of the existing structures violate this 100 ft. setback condition in the applicable zoning ordinances.

Mr. Szalay listed each of the buildings and their setbacks. They had all previously conformed, before the setbacks were changed. Building #29 – outlined in red on the exhibit is the proposed 32,000 sq. ft. pavilion. It is 40x80 ft. It will be used for shelter and activities during inclement weather. It will be located between two buildings and have lighting, which will face down (no spill over). The camp closes at 4:30 p.m. There will be no sanitary facilities.

In his memo dated 1/12/13, Mr. Kastrud asked about storm water run-off. Currently, just adding 3,200 sq. ft. does not trigger a storm water management review. It is very di minimus. They are not adding pavement.

The applicant introduced Exhibit A-3 into evidence. It is the 1/29/13 letter from Kevin Sumner, Town Health Officer, certifying the proposed development and waiving the requirement to appear before the Board of Health.

Mr. Szalay addressed the 1/10/13 memo from the Health Officer. He confirmed that the proposed open air pavilion will not have improvements such as toilets, sinks or food service. There are no environmental conditions or concerns in the area of the proposed pavilion.

Mr. Breene confirmed that they have a Master Safety Plan, and they are fully compliant with the Youth Camp Safety Act.

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

Stephen Lyden, P.P. was called to testify. He gave his background and credentials and was accepted as an expert witness. He said that he heard the previous testimony. He viewed the application and visited the site and examined all the reports. He reviewed the Town's Master Plan and the relevant provisions of the Zoning Ordinance. He explained that the applicant's use of the property constituted a permitted conditional use.

Mr. Lyden testified that the portable toilet facility, currently located 52 ft. from the property, will be relocated to approximately 455 ft. from the property line. This would eliminate an existing deviation. The proposed new pavilion will be about 480 ft. from the nearest property line.

He characterized the other site improvements as minor adjustments, which will better serve the campers. They were previously approved deviations but now require variance relief, because of the zoning ordinance changes. He believed that the proposed development is consistent with the Town's Master Plan, because the proposed pavilion constitutes a one half of 1% increase in the existing impervious coverage. It serves the stated goal of expanding passive and active recreational facilities within the Township.

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

Mr. Warner summarized the relief being sought in this application. This is for a preliminary and final site plan approval as well as a d3 conditional use variance. He mentioned the relocation of the toilet facilities. All prior conditions must be complied with. The Fire Marshal will inspect the site. A conservation will be generated, modified to reflect existing activities and property conditions.

#### **DELIBERATIONS:**

Mr. Hewson felt that it would be a good improvement to the site. He would have no problem with it.

Mr. Oliva said that Camp Riverbend has been a part of this community for so many years. He is delighted to see the improvement.

Mr. Villani believed that the applicant met the criteria. As long as they meet the stated conditions, he would have no problem with it.

Mr. Dealaman felt that it is a good improvement.

Mr. Bowen said that it looks good to him. He suggested that they maintain the emergency plan and possibly update it – in light of the circumstances these days in protecting children.

Mr. Martins had no problem with it. He would be in favor.

Mr. Cooper said that this is a good clean up of the plans. It is a good improvement.

Mr. Warner read a Draft Resolution.

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

Roll call vote was taken. “Yes” votes were received from: John Villani, Vincent Oliva, George Dealaman, Richard Hewson. Foster Cooper, Scott Bowen and Clerio Martins. There were no negative votes. The motion carried.

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

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Kathleen M. Lynch  
Clerk