

**WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES MAY 2, 2022**

*APPROVED*

**CALL TO ORDER:**

**ROLL CALL:**

Mr. John Villani  
Mr. Michael Galbraith  
Mr. Frank Rica  
Mr. Donald Huber  
Mr. Scott Bowen  
Mr. Anthony Paoella  
Mr. Foster Cooper  
Mr. Mehul Desai Alternate # 1  
Ms. Valentina Carleo Alternate # 2  
Mr. Mark Peck, 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 April 4, 2022 meeting were forwarded to members for review.

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

**ROLL CALL**

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Cooper, Mr. Desai, Ms. Carleo.

**COMMUNICATIONS:**

None.

**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. Cooper opened the portion of the meeting and seeing no one come forward; closed this portion.

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**RESOLUTIONS:** CASE BA21-03 Julie Conley  
Block 76.03 lot 16  
Use Variance-Townhomes

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

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Cooper, Mr. Desai, Ms. Carleo.  
Against: None.

**AGENDA CASE APPLICATIONS:**

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

Ms. Daryl Zareva , along with Mr. John Zareva, came forward and was sworn along with the Township professionals, Mr. John T. Chadwick, the Township Planner, and Mr. Christian Kastrud, the Township Engineer.

Ms. Zareva explained that they have a shed that they got a variance for 34 years ago and it now needs to be replaced. They want to consolidate two sheds and make one larger shed. Ms. Zareva said that the new building would be similar to the structure that is there now. Mr. Chadwick reminded them that it could only be 20 ft. high. She had a picture of it and it was marked Exhibit A-1. The shed will be 15 x 20 ft. The existing one is 10 x 12 ft. The applicant did notice the neighbors and put in the paper.

Mr. Chadwick said they were already over the FAR and this will increase it a little more. They have two sheds now and will consolidate into the one. No trees will be cut. Mr. Peck, the board attorney, said it is a d variance (FAR) and the applicant's should put some testimony on the record. They will be consolidating to one shed from two and there won't be a substantial detriment to neighbors or to the zoning ordinance. Ms. Zareva feels it will make it aesthetically more pleasing.

Mr. Cooper asked if any board members had questions or comments. Mr. Cooper asked if any members of the public had questions of the testimony, of had any comments from the public. None were mentioned.

Mr. Cooper said the FAR issue requires a vote of 5 out of 7. The board did not have any issues with the proposal.

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ROLL CALL

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

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Huber, Mr. Cooper, Mr. Bowen, Mr. Paolella.

Against: None.

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.

Mr. Christopher Flood came forward as attorney, for Mr. Hoag/Merlin Custom, LLC, owner of block 93 lot 10, 18 Old Stirling Road. Mr. Michael Hoag was also present. Mr. Hoag is seeking relief of section 16-8, minimum lot width of 100 ft. within the R-20V zone. The existing lot is 80 ft. The hardship variance is appropriate. There are many lots in the area that are too narrow and some have received variance relief. Mr. Hoag was sworn in along with the township professionals. The variance is needed for this specific variance and advances the purposes of the land use law.

Mr. Chadwick said that most of the lots at the lower end of Old Stirling are around 80 ft. The only recommendation he has is to have a K-turn on the driveway. Mr. Hoag agreed. They propose no trees be taken down. Mr. Kastrud said there is already a soil movement application in engineering for review.

Mr. Bowen asked about the previous house, it was in very poor shape. The house will be around 3200SF. The surrounding properties are all occupied.

Mr. Cooper asked if the board had any other questions. He asked if the public had any questions or comments.

The board members had no issues with the proposal.

ROLL CALL

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

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Huber, Mr. Cooper, Mr. Bowen, Mr. Paolella.  
Against: None.

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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, June 7, and August 2 2021, October 4, 2021, and March 7, 2022, April 4, 2022 meetings

Mr. Cooper said the board would deliberate and Mr. Peck went over the variances of the application. The variance is for use as a hotel and for the height of the building. Both d variances. Mr. Jay Bohn, attorney for the applicant, Maddy Realty, confirmed it is for a d (1) and a d (6). They are not seeking site plan currently.

Mr. Cooper asked to start deliberation and Mr. Villani said it had been a long hearing with a lot of testimony. He feels it comes down to whether a use variance is necessary or not. He does not believe that applicant met the necessary zoning information needed to approve a use variance in this location. He does not believe the negative and positive criteria are met.

Mr. Cooper asked Mr. Galbraith to weigh in. Mr. Galbraith feels the use is too intense for this site, and there is a lot going on there already.

Mr. Huber also mentioned there was a lot of testimony and there were changes made to the plans during the hearing. He sees the value to the township and the residents. He feels the residents concerned were addressed and were manageable. Some of the concerns are about the existing facility. He felt it did meet the statutory requirements. He also feels they need to support the business community when able to. He mentioned the Opto electronic application earlier that was approved to store hydrogen tanks on the facility. He felt it will benefit the business for that and this would also. All taxes paid by businesses help relieve the burden on residents. On a personal note, Mr. Huber experienced a loss by a drunk driver, and believes a hotel strictly for the use of those already going to be there, weddings, etc. and it provides opportunity to make the right decision and not drive. He feels the property owner has made improvements through the years and he thinks they should support the business.

Mr. Desai said there was a lot of testimony to go through and it meets the requirements for a variance. Ms. Carleo said there have been some charged moments during the case. She feels the applicant has tried to comply with requests for changes by the board. She does agree it gives a safety component not driving while under the influence. It keeps business in town. The master plan wants business friendly downtown.

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Mr. Paolella feels Maddy has spent time to appease the neighbors and they re-designed the plan in accordance with the public and board. Most of the issues were with noise at the site and he doesn't see a hotel adding to that. Mr. Rica feels the neighbor issues are not what they are voting on. He believes the owner wants to invest in the town and he supports the application. It is a high end proposal with the hotel.

Mr. Cooper feels the applicant did a good job presenting the case as to why the hotel is required from a business perspective and a financial perspective. He feels they did not present the case well from a legal criteria that is needed to present the negative impact to the community and all the other areas used to decide variances. The objectors witness, Mr. Steck, a planner, really laid out the reasoning for Mr. Cooper why this is not appropriate. Mr. Cooper feels it is an over intensification of use of the property; there are issues with parking to begin with and this will add to this. This impacts the neighbors. He understands the issues the neighbors have although the board can't fix that. Mr. Cooper said in the 24 years he has been on this board the applicant has come before the board three times and there have been similar issues from the public. Things have not changed or been fixed. Mr. Cooper felt the review of the opra with police reports did not show a lot of issues. They did not meet the negative and positive criteria required for a d variance.

A motion to approve was made by Mr. Huber, seconded by Mr. Paolella.

For: Mr. Rica, Mr. Huber, Mr. Paolella

Against: Mr. Villani, Mr. Galbraith, Mr. Cooper, Mr. Desai.

The application was denied.

**Next meeting will be June 6, 2022**

**MEETING ADJOURNED: 7:45 P.M.**