

BRIDGEWATER TOWNSHIP ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, August 3, 2021
-MINUTES-

1. CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:30 pm at the Courtroom located at 100 Commons Way, Bridgewater, NJ. He explained Courtroom seating protocols relative to pandemic safety.

2. OPEN PUBLIC MEETING ACT ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 13, 2021 proper notice was sent other Courier News and the Star Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Zoning Board of Adjustment policy for public hearings,” No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing Assistance is available upon request. Accommodations will be made for individuals with a disability, pursuant to the Americans With Disabilities (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting.” However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

3. SALUTE TO THE FLAG:

4. ROLL CALL:

Mr. Foose – present
Ms. Amin – present
Mr. Sweeney – present
Mr. Weideli – present

Ms. Guttschall – present
Mr. Fallone – present
Mr. Fresco – present

Alt. 1 Mr. LaSpisa – present
Alt. 2 Mr. Wrobel – absent
Alt. 3 Mr. Bongiorno – present
Alt. 4 Mr. Gayeski – present

Also present was Steven Warner, Esq., William Burr, IV, PE, and Scarlett Doyle, PP

5. APPROVAL OF BOARD MINUTE(S):

April 20, 2021 (Virtual meeting)

Motion for approval was made by Mr. Weideli with a second by Ms. Amin

AFFIRMATIVE: Mr. Foose, Ms. Amin, Mr. Sweeney, Mr. Weideli, Mr. Fresco, Mr. LaSpisa

ABSENT: Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Fallone, Ms. Guttschall, Mr. Bongiorno, Mr. Gayeski

May 4, 2021 (Virtual meeting)

Motion for approval was made by Mr. Weideli with a second by Mr. Fallone

AFFIRMATIVE: Mr. Foose, Ms. Amin, Mr. Sweeney, Mr. Weideli, Ms. Guttschall, Mr. Fallone,

Mr. Fresco,

ABSENT: Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. LaSpisa, Mr. Gayeski, Mr. Bongiorno

6. MEMORIALIZATION OF RESOLUTION(S):

None

7. MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda could do so at this time. It was announced that if any questions or comments were made about a pending application, they would

need to be withheld until the hearing of such application (This being in accordance with the Municipal Land Use Law and Case Law.)

No member of the public wished to address the Board.

8. LAND DEVELOPMENT APPLICATIONS:

GCP BRIDGEWATER, LP, 530 Route 22
Block 400 Lot 7
Application 21-003 ZB
Use Variance

Attorney Peter Lanfrit, Esq. represented the applicant. He described the application, stating that the applicant owns an extended stay hotel located on Route 22 eastbound. A use variance is needed in order to convert the hotel into apartments.

Due to the professional reports, there is an outstanding matter on parking, Attorney Lanfrit may hold off on testimony that relates to parking.

By way of historical background, Attorney Lanfrit stated that the hotel site had been granted a use variance in 1995. Originally, the hotel was Summerfield Suites. The hotel is still the same building and site layout as was constructed at that time. The following persons were sworn:

Mr. Derrick Sylvester
Board Engineer, Mr. William Burr, PE
Board Planner, Ms. Scarlett Doyle

Attorney Lanfrit presented his first witness, Derrick Sylvester. Mr. Sylvester is one of the owners of the hotel and that the property was purchased in 2018. He has been in the hotel business for 35 years. During that time, he owned about 50 hotels and 10 have been extended stay hotels. It was a Hyatt House when he purchased the property. The hotel has 128 suites. It is a series of 5 buildings with 3 stories also with a main lodge building that has amenities. There is an outdoor pool, jacuzzi, basketball court and BBQ area. He has done exterior renovations on the outside of the property. The next year, the hotel conducted guest room and lobby renovations. The occupancy rate was 73% during that year. (There was not a 90% occupancy rate, which was information taken from the Tax Assessor's office). He testified that the occupancy rate plummeted during the pandemic. Currently, the occupancy rate is in the high 40% with lower room rates. He does believe that occupancy will improve, but not to the 2018 level. All the rooms have exterior access, which causes that the guests need to climb to the third floor. Security is a question, and snow and rain make it undesirable for extended stay guests. Currently, the preferred design for extended stay hotels is one large building with elevators.

Mr. Sylvester believes that apartments are appropriate since non-profits were renting and satisfied with the space. The non-profits did not require services, such as room service. The hotel has a mix of one- and two-bedroom units. The 'trios', noted on the layouts presented, are only two bedrooms, but they have three beds in the unit. There are no three-bedroom units in the facility. Mr. Sylvester described the rental units. The unit layout is suitable for apartment use and the existing furnishings would stay in the units. There is a maximum 89-day occupancy for extended stay hotels, per Bridgewater ordinance. He testified that the tenants that wish more than 89 days is approximately 5 to 10 percent. Mr. Sylvester described the lodge, with services and amenities that are offered. If the facility is converted to apartments, the lodge would be repurposed with larger amenities, eliminating the bar and conference rooms. There are 136 parking spaces on the site and he has never noticed the parking lot to be fully occupied. He estimated that the parking lot would be 60-80% occupied at its maximum.

Mr. Sylvester reviewed comments from the Board's professionals dated July 29, 2021. He clarified that the conference suite is a one-bedroom unit with conference tables. If approved, the conference suite would be converted back to a one-bedroom apartment. It is his intent to supplement amenities available to the tenants. They may include playground equipment to the site for the use of resident children. The hotel sign would be removed with a smaller monument sign installed as a replacement.

On question, Mr. Sylvester stated that his company, Gulf Creek Hotels, controlled 20 properties located in Ann Arbor Michigan, Saratoga Springs New York, Boston, Massachusetts, Albany New York, Middletown, NY Allentown, New York, York PA, Berlin PA, Downy town Vermont, Newtown Square, PA, King of Prussia PA, Newtown PA, Hamilton NJ, Robbinsville NJ, Bordentown NJ, Long Beach Island, Manahawkin NJ, Bridgewater, NJ. Six hotels are owned by Gulf Creek Hotels and the rest are held as a third-party management company.

Relative to the size of the one-bedroom and two-bedroom units, Mr. Sylvester testified that the units are 560 and 860 square feet. There was question on residential parking, where Mr. Lanfrit stated that future expert testimony is needed, and that testimony will be provided at a later meeting. The plan to convert to apartments will take at least one year, so the current market for apartments has no bearing on what would be done in the future. It was observed that the applicant may be seeking an open-ended conversion, where they would not convert until they felt it would be appropriate. The applicant denied that this was the intent. The applicant did not know precisely when the conversion would occur, but the request is that it could take 2 years for the conversion. At no point in time would there be dual occupancy (hotel and apartments at the same time).

The Board asked for additional information; Mr. Lanfrit had photos that he could hand out, but did not. The Board also asked for submission of a site plan and Mr. Lanfrit agreed to the request.

Due to the need for more information rather than the bifurcated application, it was agreed that the hearing should be carried. The applicant may wish to make a site plan application, and not a bifurcated application. The FAR application was previously granted for a hotel, but an FAR may be needed for the residential use. The parking setback and front yard setback variance was granted for the hotel, which may now be needed again for the residential use. Mr. Lanfrit stated that research would be needed to determine if variances were needed. The site plan would have the information needed to establish the relief sought. If Attorney Lanfrit believes that No bulk variance relief is required, a legal brief for same will be given to attorney Warner for his consideration.

On further Board questions, Mr. Sylvester testified that the average, guests stay 3 to 4 days. In the guest house, conference rooms are offered. The meeting rooms would be eliminated. The minimum apartment size would be investigated. The impetus for the request for conversion is based on the potential for Hyatt renewal of their franchise. Without that renewal, they needed to plan for alternate use of the complex. It is their intent to partner with another agency to manage the apartments. On question to the Board's professionals, Bridgewater has not had this type of conversion applications. The applicant would consider affordable housing units in the complex. The timeframe for conversion was not certain. It is anticipated that within 18 months, the existing hotel use could be again profitable. The applicant has not pursued other permitted uses, but Mr. Lanfrit stated that future testimony would be provided on this subject. The applicant has not sought to convert the facility to multifamily use.

The Chairman opened the members to the public for questions of the witness.

Mr. Jones, 446 Hauck Road, asked if there were traffic plans submitted for the application. Mr. Lanfrit stated that a traffic analysis would be submitted with the forthcoming site plan. He asked about having the same circumstance repeated with the other hotels in Bridgewater. Attorney Warner stated that applications stand on their own merits and do not set a precedent.

Mr. Timothy Ring, 17 Lawton Rd. asked about room types. The two-bedroom units have three beds, so it is possible that bedrooms can have more beds than one. These are noted as 'trios' in the plans. The negotiations with Hyatt would commence to terminate. It was noted that there could be additional costs for liquidated damages which have already been calculated into their model.

Ms. Cathy Franco, 766 Weymack Road asked if they are rental units and echoed the Board's inquiry regarding the inclusion of affordable units. Mr. Lanfrit indicated that the affordable housing will be discussed at a later date. No percentage for affordable housing is proposed, but it will be discussed at a later hearing.

It was recommended that the Board should be advised as to what has been the room tax receipts that the township has received from the 3% occupancy room tax for the hotel should be provided at the next hearing.

Due to the need to gather additional information and prepare studies, the hearing was carried tentatively to November 16, 2021 with new notice required. Attorney. Peter Lanfrit advised that an extension was granted to the end of the year.

9. OTHER BOARD BUSINESS:

None.

10. EXECUTIVE SESSION:

The Board entered into Executive Session for pending litigation at approximately 8:50 pm to discuss Litigation of Skymanor Properties, LLC Block 904 Lot 5 Application #20-007. Details of the matter may be made available once the litigation is fully concluded.

Motion to go into Executive Session by Mr. Fresco and second by Mr. Fallone.

AFFIRMATIVE: Mr. Foose, Mr. Fallone, Ms. Amin, Mr. Sweeney, Ms. Guttschall, Mr. Weideli, Mr. Fresco,

ABSENT: Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Mr. Gayeski, Mr. LaSpisa,

The Board reconvened after the Executive Session at approximately 9:00 pm. with all original members present. Attorney Warner was authorized to continue efforts to resolve the dispute with the following vote.

Motion by Mr. Weideli and second by Mr. Fresco

AFFIRMATIVE: Mr. Foose, Mr. Fallone, Ms. Amin, Mr. Sweeney, Ms. Guttschall, Mr. Weideli, Mr. Fresco,

ABSENT: Mr. Wrobel

ABSTAIN:

NOT ELIGIBLE: Mr. Bongiorno, Mr. Gayeski, Mr. LaSpisa,

11. ADJOURNMENT:

It was the Board's consensus to adjourn the meeting at approximately 9:05 pm.

Submitted by
Scarlett Doyle