

RESOLUTION: 2025-04

BOROUGH OF BARRINGTON PLANNING BOARD

APPLICANT'S NAME: 111 CBR LLC c/o Chris Widell

BOARD'S DECISION: Approval of Preliminary and Final Major Site Plan with a variance

PROPERTY ADDRESS: 111 Clements Bridge Road—Block 49, Lot 12

ZONING DISTRICT: C1A Overlay Zone to the Phase III Downtown Commercial Zone

DATE OF HEARING: March 24, 2025

WHEREAS, on March 24, 2025, the Barrington Borough Planning Board (the “Board”) considered the application of 111 CBR LLC c/o Chris Widell (the “Applicant”) requesting preliminary and final major site plan approval with a variance. The Applicant is proposing to demolish an existing vacant building and existing site improvements located at 111 Clements Bridge Road, designated as Block 49, Lot 12 on the Borough Tax Map (the “Subject Property”) in order to construct a two-story building and new site improvements for use as an eating and drinking establishment (the “Application”). The Subject Property is located in the C1A Overlay Zone of the Phase III Downtown Commercial Zone (the “CIA Zone”); and

WHEREAS, the Board has jurisdiction to hear the Application under the New Jersey Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Applicant came before the Board at the regularly-scheduled public meeting held on March 24, 2025 and was represented by Beth Marlin, Esquire. The Board heard testimony from the Applicant as to the nature, purpose, location, and description of the Application; and

WHEREAS, the Board discussed the Application and the Board Professionals offered comments. The Application was opened to the public for comment, and any members of the public wishing to comment on the Application were given the opportunity to do so; and

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant which were made a part of the record:

- A. Applicant's Application dated February 3, 2025 including Verification of Taxes from Tax Office, Applicant's W-9, Camden County Planning Board Application, and Site Plans
 - B. Notice to Property Owners and Public Notice
 - C. Technical Review Letter of Jeff Hanson dated March 17, 2025
2. The Applicant submitted the following exhibits during the March 24, 2025 hearing: **Exhibit A**—Site Plan; **Exhibit B**—Architectural Rendering; and **Exhibit C**—Neighborhood Public Parking Area.
 3. The Subject Property is owned by the Applicant and is located at 111 Clements Bridge Road, Block 49, Lot 12, Borough of Barrington, New Jersey, lying within the C1A Zone.
 4. The Applicant seeks preliminary and final major site plan approval to demolish an existing vacant building and existing site improvements in order to construct a two-story building and new site improvements for use as an eating and drinking establishment.
 5. During the March 24, 2025 hearing, Beth Marlin, Esq. represented the Applicant.
 6. Martin Irving, L.L.A., P.P. of Irving Design Group, LLC, who is a licensed landscape architect and professional planner, appeared on behalf of the Applicant, was sworn, and his credentials were accepted by the Board.
 7. Mr. Irving testified that the vacant building that currently exists on the Subject Property will be demolished to be replaced by the new eating and drinking establishment.
 8. The new establishment will be a two story building utilizing minimalistic contemporary industrial design by utilizing sustainable recycled shipping containers for the structure which will be accented by concrete and wood finishes throughout.
 9. The project will be built out with a glass front main entryway with a modern style, poly concrete floors and industrial modern accents on the exterior of the building.
 10. The project will be completed in two (2) phases. Phase I will be the construction of the entirety of the two-story structure. However, the front foyer entry area will not be constructed in Phase I. In its place, there will be a sliding panel with a wood finish which will secure the building.
 11. The roof is not going to be constructed during Phase I. The establishment will be an open-air facility until Phase II takes place.
 12. All site work will be completed during Phase I.
 13. All utilities necessary for the building to function will be completed in Phase I.

14. The second story of the building will not be accessible until Phase II is completed. There will be no stairs or elevator to the second story during Phase I.
15. The project will be completely built out in Phase II.
16. Applicant requires a bulk variance for installation of a six (6) foot high fence in the front yard. Mr. Irving testified that it is a unique lot with dual frontage on Reading Avenue and Clements Bridge Road. Mr. Irving further testified that the six (6) foot high solid panel fence is necessary to provide security and to enclose the onsite dumpster.
17. Mr. Irving testified that the fence will be metal with solid panels in between to create privacy and noise attenuation when the back patio is in use.
18. Mr. Irving was asked if the fence would be a black wrought iron. Mr. Irving testified that it would be similar to the adjacent public parking lot but it would include the panels.
19. Mr. Irving testified that the bulk variance would not pose a detriment to the zoning plan or the neighborhood. Mr. Irving noted that the Old Rail Tavern also has a six (6) foot high P.V.C. fence along Reading Avenue and Clements Bridge Road.
20. Mr. Irving was asked if the fence would provide a buffer to the public across the street which Mr. Irving attested it would along with the landscape that is proposed to screen the dumpster.
21. Mr. Irving testified that the benefits of the bulk variance outweigh any detriment.
22. Mr. Irving testified a Loading Statement was provided and that loading will occur as an extension of the current loading area that serves the Old Rail Tavern. Deliveries will be received from Reading Avenue in the rear of the establishment.
23. Onsite parking cannot be accommodated by the establishment. Parking will be accommodated by the surrounding public area in the neighborhood. There are approximately 140 existing parking stalls within walking distance of the project site. On-site parking is not required in the C1A Zone.
24. Mr. Irving testified that the Applicant is agreeable to providing wayfinding signage to direct patrons to off-site parking areas. Board Engineer G. Jeffrey Hanson, P.E., C.M.E. testified that should the Applicant receive approval, his office would be willing to work with Mr. Irving and Borough officials to determine appropriate wayfinding signage.
25. Mr. Irving testified that the façade of the building will be lit with sconce lighting. There will also be lighting which will help pedestrians around the site. The lighting will be mounted at a nine (9) foot elevation.
26. Mr. Irving testified that the lighting will be below the nearby residential unit windows so it should not have a negative impact on the neighbor.

27. Mr. Irving testified that they have a specified fixture which he believes is an LED fixture. It is a whiter light and it is a sconce so it will be directed straight down onto the ground.
28. At the request of Mr. Hanson, Mr. Irving identified the location of the lighting for the Board.
29. Mr. Irving testified that the areas along the side of the establishment are not open to the public. These areas are for the staff.
30. Mr. Irving agreed that they are willing to install appropriate shields or cutoffs for the LED lights should they affect neighboring properties.
31. Mr. Irving testified that the lights are dawn to dusk for security. However, not all of the lights would need to stay on all night. Any other lighting associated with the business will be turned off at closing time.
32. Mr. Irving testified that there will be Knox Boxes for access by emergency personnel.
33. Mr. Irving testified that the site is almost entirely impervious so stormwater management is not required but the addition of an artificial turf area in the rear of the establishment will improve conditions onsite.
34. Once the roof has been constructed, it will all pitch to one side and the downspouts will pick up stormwater and direct it to the rear yard. Per Mr. Hanson's recommendation, Mr. Irving testified during construction percolation will be evaluated and the soil will be replaced if it is poorly draining.
35. Mr. Irving testified that all of the water that comes off the roof will not affect the neighbors and will not drain to Clements Bridge Road so the puddling condition at Barrington Avenue will not be exacerbated.
36. Mr. Irving testified that the Applicant is willing to install collection piping along the north side of the building to collect water and direct it away from the basement area of the neighboring building.
37. Mr. Irving testified again that the fencing will be aluminum picket style with panels for privacy. The color will be similar in the black/gray family to the painted façade of the architecture.
38. Mr. Irving testified that an easement will be obtained if necessary for construction of any of the proposed improvements or for maintenance purposes.
39. Chris Widell, having been sworn at the beginning of the presentation, was presented to the Board to provide testimony regarding details of the business.

40. Mr. Widell testified that it was going to be a typical American style restaurant that will mirror the other local restaurants in terms of hours.
41. Mr. Widell testified that in Phase I they are planning on having twelve (12) employees on a shift with there being two (2) shifts based on hours of operation.
42. Having completed their presentation, Board Engineer G. Jeffrey Hanson, P.E., C.M.E. provided his review of the Application to the Board.
43. Mr. Hanson testified that the Application was reviewed for completeness and recommended that the Application be deemed complete.
44. A motion was made and duly seconded to deem the Application complete at which time roll call vote was taken and the Application was unanimously deemed complete.
45. Mr. Hanson then provided a technical review of the Application with a discussion of his review letter dated March 17, 2025.
46. Mr. Hanson presented a question to the Applicant regarding the days and hours of operation. Mr. Widell testified that the days and hours of operation will not be outside that which is permitted by ordinance.
47. Mr. Hanson then presented a question to the Applicant regarding collection of waste and recycling. Mr. Widell testified that a contract had not been signed with a company for collection services but he intended to inquire with other businesses as to whom they use. Mr. Widell testified that the business would utilize business hours to accommodate collection services.
48. Mr. Hanson also asked Mr. Widell whether he anticipated the need for any easements from neighboring properties. Mr. Irving answered that during construction there will be a potential need for an easement from a neighboring property for certain work.
49. Mr. Hanson testified that the Applicant had satisfactorily addressed all of the other points in his review letter.
50. Mr. Irving was then questioned by the Board regarding stormwater management during Phase I of the project as it will be an open air concept at this time. Mr. Irving testified that the concrete floor will be pitched and likely have a trench drain that will collect the water until the roof is installed.
51. Mr. Widell was asked by the Board the timing for Phase I and Phase II which he was uncertain of at that time based on financial considerations.
52. As Mayor Hanson could not be in attendance for the meeting, a statement was read onto the record which declared his support for the project.

53. The Board then cited concerns regarding early morning collection of trash and recycling as well. Mr. Widell was then asked by the Board if he would be agreeable to collection of trash and recycling similar to Old Rail Tavern and Tonewood to which he was agreeable.
54. Following Mr. Hanson's testimony, the hearing was opened to the public for comment.
55. Maryann Perrino was sworn. Ms. Perrino questioned Mr. Irving regarding emergency access and exit. Mr. Irving provided clarification regarding emergency access and the Knox Box as well as clarification regarding fire escapes for the building. Mr. Irving testified that there will be stairs and elevator for access to the second floor but there will not be an outside fire escape.
56. Ms. Perrino then inquired with Mr. Widell regarding the number of seats that will be available in the establishment. Mr. Widell testified that there will be seating for over 150 people in Phase I. Mr. Irving clarified that ground floor would have seating for 107 people. Phase II will then have an additional 120 seats.
57. Mr. Widell then clarified for the Board that the business does have its license to operate a bar.
58. Mr. Widell was further questioned regarding the hours of operation which he testified that the business would comply with allowable hours under the ordinance.
59. Carol Secinaro was sworn. Ms. Secinaro expressed concern regarding parking around the establishment and lighting on the establishment.
60. Mr. Irving provided an explanation as to how the parking will be available in various public parking spots near the site.
61. The underutilized lot behind the Methodist church will help alleviate parking concerns and there is a walkway that brings people from the lot to Clements Bridge Road.
62. Applicant testified that they will have a web presence that will provide parking information for people coming from out of town.
63. Mr. Irving testified that the nine (9) foot mounting height prevents spillage of light from the business. Mr. Irving also testified that the signage on the building will be backlit and will just light the sign. However, if there is an issue with an adjacent property owner, the Applicant will adjust as necessary.
64. A motion was made and seconded to accept into the record Exhibit A, Exhibit B, and Exhibit C as well as notice to property owners, public notice, Applicant's Application dated February 3, 2025, and the Technical Review Letter of Jeff Hanson dated March 17, 2025. All voted in favor.

65. Following a summary of the Application by the Board's Solicitor and the testimony placed on the record, a motion to approve the preliminary and final major site plan with bulk variance was made and duly seconded.

WHEREAS, with regard to the requested bulk variance to permit the installation of a six (6) foot high front yard fence where only three (3) feet is permitted, based upon the evidence and testimony submitted by the Applicant, the Board's professionals, witnesses, and members of the public, and based further upon the Findings of Fact set forth hereinabove, the Board renders the following Conclusions of Law:

- a. **Conclusions of Law.** With regard to the requested N.J.S.A. 40:55D-70c bulk variance to permit installation of a six (6) foot high fence in the front yard based upon the evidence and testimony submitted to the Board before and during the Applicant's public hearing, including the Application, the Applicant's plans, the Applicant's exhibits, and the testimony of the Applicant's witnesses, as well as the Board engineering review letter, and the testimony of the Board's professionals and members of the public, the Board renders the following Conclusions of Law:
 - i. Because the Applicant seeks to install a six (6) foot high fence in the front yard of the establishment where only three (3) feet high are permitted pursuant to Borough code § 360-31.C, a bulk variance to permit the proposed fence is required. N.J.S.A. 40:55D-70c.
 1. N.J.S.A. 40:55D-70c(1) permits the Board to grant a variance where the Applicant has demonstrated that strict application of the zoning requirement would have "peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant arising out of: a) the exceptional narrowness, shallowness, or shape of a specific piece of property; b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon. These are known as the "positive criteria" to demonstrate undue hardship. The Applicant must also prove the "negative criteria" which means there is no substantial detriment to the public good and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
 2. N.J.S.A. 40:55D-70c(2) permits the Board to grant a variance where the Applicant has demonstrated that the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from strict application of the zoning requirement and the benefits of the deviation will substantially outweigh the detriment. These are known as the "positive criteria" for a c(2) variance. The Applicant must also prove the "negative criteria" which means there is no substantial detriment to the public good and the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- ii. Here, the Board finds that the Applicant was able to satisfy both the “positive criteria” and “negative criteria” necessary to be granted a bulk variance pursuant to N.J.S.A. 40:55D-70c(2). Specifically, the Applicant was able to demonstrate through lay and/or expert testimony and other evidence that the purposes of the MLUL will be advanced by the deviation and the benefits of the deviation will substantially outweigh the detriment, namely, the increase in fence height will help to serve as a buffer, provide for sound attenuation, and provide security and privacy as testified to by Mr. Irving. The increase in fence height does not impose a substantial detriment to the public or impair the zoning plan. As pointed out by Mr. Irving, the Old Rail Tavern also maintains a six (6) foot high fence along Reading Avenue.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Barrington, based upon the foregoing findings of facts and conclusions of law set forth hereinabove, and for the reasons stated on the record during the Applicant’s public hearing on March 24, 2025, in accordance with the vote taken on March 25, 2025, that the Application for preliminary and final major site plan approval with bulk variance was and is hereby **GRANTED**, subject to the representations set forth on the record by the Applicant and the Applicant’s professionals, and any conditions set forth on the record and stated herein.

IT IS FURTHER RESOLVED, the above relief is subject to the following conditions:

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein.

3. The Applicant shall indemnify and hold the Borough harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12(c), and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;
6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must also submit an estimate for the cost of construction to the Borough Engineer for purposes of determining bonding and inspection escrow.
8. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable section of the Borough's land development ordinances, zone codes, and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
9. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution.
10. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein.
11. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through the testimony in support of the application.
12. The Applicant shall comply with all other applicable Borough Code requirements.
13. The Applicant agreed to comply with the recommendations contained within the ERI letter dated March 17, 2025 and submit revised plans for conformance review.

ROLL CALL VOTE

MEMBERS	IN FAVOR	OPPOSED	ABSTAIN	ABSENT	NO VOTE
CHAIRMAN RINK	X				
VICE-CHAIR CILURSO	X				
MAYOR HANSON				X	
COUNCILMAN BEYER	X				
MR. PAWLING	X				
MR. ORLANDO				X	
MR. HARRELL	X				
MR. LISS				X	
MS. SCHREYER	X				
MS. LANG (ALT. 1)	X				
MS. SULLIVAN (ALT. 2)	X				
MR. BRENNAN (ALT. 3)	X				
MR. WRIGHT (ALT. 4)					X

ATTEST:

CAROL FULTANO
SECRETARYBARRINGTON BOROUGH
PLANNING BOARD
JOHN RINK
CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the Planning Board of the Borough of Barrington, County of Camden, State of New Jersey, adopted the foregoing resolution at its regular meeting held at the Borough Hall, 229 Trenton Avenue, Barrington, New Jersey, on April 28, 2025, and said resolution was authorized for memorialization at a meeting held on March 24, 2025.

A handwritten signature in black ink, appearing to read "Carol Fultano", written over a horizontal line.

CAROL FULTANO
SECRETARY