

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
February 9, 2015
APPROVED**

CALL TO ORDER Mr. Villani called the meeting to order at 7:35

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 14, 2015 on the Township bulletin board and sent to the Township Clerk, Echoes Sentinel and Courier News per the Open Public Meetings Act. All Board members are duly appointed volunteers working for the good and welfare of Warren Township. We plan to adjourn no later than 10:00 p.m.*

ROLL CALL

Mayor Marion
Committeeman DiNardo
Mr. Toth
Mr. Kaufmann
Mr. Lindner
Mr. Malanga arrived at 7:40

Mrs. Smith (excused)
Mr. DiBianca
Mr. Freijomil (excused)
Mr. Gallic (excused)
Mr. Villani

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
January 12, 2015

Motion was made by Mr. DiBianca, seconded by Mr. Kaufmann to approve the minutes.

Roll Call

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. DiBianca, Mr. Toth, and Mr. Villani
Against: None.

■ **Resolution to Adopt of Re-Examination Report dated August 2014**
Motion was made by Mr. DiBianca, seconded by Committeeman DiNardo to adopt the re-examination report.

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Roll Call

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Toth, Mr. DiBianca, Mr. Villani

Against: None.

■ **PROFESSIONAL STAFF REPORTS:**

Alan Siegel, Esq., Planning Board Attorney
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk

Mr. Chadwick discussed the Master Plan and how it is a work in process and that there will be background studies coming soon to the board members by email or hard copy. They should be examined in order to discuss any changes proposed. Mr. Chadwick commented on the education levels of the residents of town.

■ **CORRESPONDENCE**

The New Jersey Planner November/.December 2014 Vol 75, No. 6 (received in last packet)

Board of Adjustment 2014 Annual Report

Committeeman DiNardo discussed the types of application that go in front of the Board of Adjustment are very different from Planning Board, and often are hardship cases or pre-existing nonconforming uses. Many are approved with conditions and feels the Board of Adjustment is doing a good job.

■ **CITIZEN'S HEARING:** (Non-Agenda Items Only)

Mr. Villani asked for any public to discuss non-agenda items. Seeing none, this portion of the meeting was closed.

■ **CASE No. 1**

PB14-07

Applicant: Dr. Mohammad and Catherine Sarraf
Owner: Dr. Mohammad and Catherine Sarraf and other Sarraf family members
Preliminary Major Subdivision with variances
Block 50 lots 2, 5, 6, and 7
Engineer: Kevin G. Page
Attorney: Joseph Murray, Esq

The applicants came forward and Mr. Siegel swore in Catherine Mueller as the Engineer for the applicant and she was accepted by the board. Mr. Joseph Murray, the applicant's lawyer asked Ms. Mueller about the project and she stated that she has worked on the project for approximately six months and prior to that participated in meetings with the Town and the DEP. Ms. Mueller went through the plans that were submitted to the board revised 1/26/15 and went over the proposed subdivision page. The revision reflects changes that the board suggested; they have eliminated the Open Space lot that is along Broadway Rd. The land is incorporated from the Open space area into the lots along the eastern side of the extension of Gregory Ln. This eliminates the lot width variance and lot set back variances on those lots due to the variable lot size provision in the CR130/65 zone. The lot area could decrease but the lot width would have to increase. Now the eastern side lots comply with the 3 acre lot size. They are required to be 150 ft. wide and they now they comply.

Along the western side of the property the two front lots have remained the same (from the previous plans). The existing home and the pond have remained the same and the rear corner lot, 6.04, remain the same. Lot 6.03 will require a lot area variance. It does not comply with standard zoning of CR130/65 zoning of minimum lot area of 3 acres. The lot is 2.888 acres. It is in a transitional area from R-65 to the CR130/65 zone. Ms. Mueller brought in an exhibit A-1 (Lot area study) showing a modified subdivision with complying lot areas. Ms. Mueller went through how they would have to modify the lot areas to comply. The proposed subdivision gives it a more homogenous look and more standard lot layout.

The road is exactly the same in both plans, as well as the grading and utilities. They can't do some with variable lot size and some with three acres. Committeeman DiNardo asked if this exhibit ,A-1, is an example of a qualifying plan to show that all the lots would fit. Ms. Mueller also said there was an original qualifying plan also.

Mr. Chadwick stated that they have proved that nine lots can be put on this property.

Ms. Mueller pointed out that this revised plan does show right of way dedication along Broadway Rd.

Mr. Villani asked about the previous plan with one lot on Broadway and now they are asking for this one and asked why a board wouldn't take a full qualifying plan and ask to do something different.

Ms. Mueller stated that there are benefits in the proposed plan with moving the lot on Broadway with environmental constraints, although it is a buildable lot. There was discussion on the possible flooding in the area along Broadway and with the houses all up on the culdesac possibly intensifying flooding. Ms. Mueller stated with all homes on Gregory there would be an improvement to the drainage area down to Broadway. Mr.

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DiNardo asked if this plan presented will have less water impact on the Broadway side of this property. Ms. Mueller feels it will.

Mr. Chadwick discussed that the board will decide which is the better plan, Mr. Chadwick felt for stormwater management it is and Mr. Kastrud agreed. Mr. Chadwick brought up the land along Broadway, and its rural nature and does the town want a house down there or leave as is. You have nine lots and you need to decide the best way to put them on the property.

Mr. Villani questioned the frontage and are there any proposals for that to alleviate flooding. Ms. Mueller stated it is in a flood zone. The property as existing (Mr. Kastrud stated) will not be exacerbated with the development along Gregory Ln. It will be less because the houses above will take the water away from that Broadway area. The rear of the properties will be in conservation easements pending the approval of the subdivision and final layout, the applicant will submit to DEP for flood hazard verification and an LOI on the property and that will dictate where the easement will be.

The plan proposed does not leave "tails" at the ends of the lots. There is a lot area variance for the proposed lot 6.03.

Mr. Malanga asked about the LOI and how it may affect any of the lots on Gregory Ln. There has been some work done, it has been flagged and certified already. Ms. Mueller stated that the buffers are very conservative. They took the worst case scenario. They are more strict than the Township ordinance of Riparian Buffers.

Mr. Chadwick stated that normally they require the conservation easement boundary on the plans as part of preliminary. Mr. Chadwick suggests that they be set at the time of final approval and there will be some give and take with the boundary to get a more straight line

Mr. DiBianca asked if there is approval and later a lot possibly being developed (subdivided off) on Broadway. Mr. Chadwick reminded the board that a conservation easement would be in place and prevent that.

Mr. Lindner also stated that if the LOI knocks out one of the lots, then the case would have to come back to the planning board.

Mr. Villani directed the board to the reports. Mr. Chadwick's had been covered with discussion already. Mr. Kastrud went through his report. Ms. Mueller stated they have resubmitted to the Sewerage Authority. Mr. Kastrud asked which homes will be included in Phase I. Ms. Mueller said Phase I will include 6.01 and 6.02 and will front on existing road, and they are Phase I, and ensured that will not affect neighboring properties. The other lots 6.03 will be serviced by a force main; 6.04 force main, the rest up to 6.07 are all force main. Lot 6.08 will flow to the existing line via gravity. Details that were asked for by the Sewerage Authority were added, and they will be added on the plans for final. Ms. Mueller suggested they will do a Phase I plat and a Phase II plat.

Mr. Kastrud continued with his report. There was discussion on the Right of Way vacation. The plans show a 10 foot wide shade tree and utility easement and there was discussion on it. All the main utility lines are located in the right of way. Mr. Kastrud asked that the dedication will show on the plans, along with the conservation easements be added (at time of final). Mr. Kastrud talked about the RSIS and that the plans exceed the requirements and Mr. Kastrud agrees with it. Mr. Kastrud commented on the Board

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of Health concern and the wells and they are noted to be abandoned. Mr. Kastrud talked about the basin and that it will work. Mr. Kastrud asked about the loop of water main. There was a hydrant added between 6.08 and 6.09 per the Fire Marshalls comment.

Mr. Chadwick brought up that the Township Committee has concerns with the charge per hydrant. Ms. Mueller stated they are required for every home to have one within 400 ft along the curb line, so two are needed.

Mr. Kastrud discussed that some of the ground water levels on some of the lots are very high and asked if there is any way not to use the drywells. They will drain to daylight (the overflow or under-drain) towards the wetlands. There was further discussion to the plans and drywells.

The reports were done and Mr. Villani opened to the public for comments. Seeing none come forward this portion of the meeting was closed. The board went into discussion. All board members were satisfied with the revised plan presented, and keeping the rural nature by leaving the Broadway area open.

Mr. Villani asked for a motion for approval with the conditions. Mr. Toth made a motion for the Preliminary Subdivision. Mr. DiBianca seconded.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Villani

Against: None.

A five minute break was called for at 8:25. The meeting was called back into order at 8:35.

CASE No. 2

PB12-06 Block 86.01, Lots 28.04, 29 & 30

Applicant: The Hollows at Warren

Phone 201-782-0292

Owner: The Hollows

Type: Prelim. Major subdivision

Engineer: Kevin Page

Attorney: Joseph Murray, Esq

PROPOSED: 9 lot major preliminary subdivision

Mr. Villani opened the case and the applicants came forward. Mr. Murray introduced Ms. Mueller and was accepted. Mr. Siegel swore in Mr. Kastrud, Mr. Chadwick, and Ms. Mueller, and Mr. Vince Celli, applicant for The Hollows at Warren.

Ms. Mueller was asked to give an overview. The original plans are dated September 19, 2012, last revision was October 3, 2014 and were submitted to the board. The project entails block 86.01, lots 28.04, 29, and 30. The existing conditions are shown and is surrounding by residential lots. The property does contain some wetlands and they do have an LOI. It also contains a culdesac bulb right of way that exists at the end of San Rd., which will be the access for the property. The property contains 9.65 acres and it is split by a zone line. The northern portion of the property, lot 30, is in the CR130/65 zone with a minimum 3 acre zone, and that lot is 5.06 acres. The lower portion, lots 29, and 28.04 are located within the R-20V zone.

Ms. Mueller went to the qualifying plan to determine how many lots can be created on the property in compliance with the zone line; the 3 acre zone to the north and the 20,000 SF zone to the south. This plan is dated 10/3/14. She showed the zone line and shows the extension of San Rd. and going out to Mount Bethel Rd. This has one in the 3 acre zone and 9 in the R20V zone, for a total of ten lots. The wetlands were pointed out on the plan. They will apply to the DEP for various wetland permits, buffer averaging, etc; which will be dependent on the location of the road and the lots. It is Q-1 and was the last page in the set of the plans.

Ms. Mueller went over the Q-1 plan. Mr. Villani asked what the total SF is in the R-20 zone lots. Ms. Mueller stated that the R-20 has a total of 4.59 acres, excluding the existing right of way. The proposed lots are 20,000SF or greater in that zone. There was discussion of the square feet of the lots in the R-20V zone. The total acreage for the project is 9.65 acres. The area in the 3 acre zone is 5.06 acres.

The Q-1 has a much different right of way area than the Q-2 plan that was discussed at the last meeting. It will be explained that on Q-1 there is enough area in the R-20V zone for nine lots. (Mr. Kastrud brought up there is no discussion about storm water and no certification or an absolute that the applicant could go out to Mount Bethel, which brings into question if it really does qualify).

Ms. Mueller went on that Q-1, which was the original one and has been amended. Ms. Mueller went on to Q-2 which is now the qualifying plan. Q-2 eliminates the connection to Mount Bethel Rd. The plan is dated 12/30/14. Ms. Mueller stated that the qualifying plan uses the variable lot size in the R-20 zone. This one proposes nine lots. An average of 20,000SF is shown for each lot in the R-20V zone, and shows 8 in that zone. Lot I, would be 2.9 acres within the R-130/65 zone. It complies with the zoning.

Mr. Chadwick stated that you cannot use a variable lot size layout in a qualifying plan, this plans shows a variance free variable lot size plan. It doesn't establish the number of lots. But go to Q-1 and the issues of whether or not it is developable is not what we require on a qualifying plan. There was discussion

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on the wetlands expert and what he discussed. You could cross as they were showing. Mr. Chadwick continued that Q-1 meets the standards from a zoning perspective and shows ten lots. If can't get to Mount Bethel then have to look at a culdesac bulb and Ms. Mueller felt there is enough room to get the lots.

Mr. Villani asked about the Q-2 and wants to know the SF in the R-20V zone. Ms. Mueller stated there is 199,940 SF. Mr. Villani asked for the acreage in each lot. Ms. Mueller stated the acre area is 5.06 acres total. The R-20V is 4.95 acres. Mr. Villani felt the lots added up do not come up to 4.95 acres, and asked if any area from the CR130/65 is included in it. Ms. Mueller stated no. It does exclude the current right of way (existing). Mr. Villani came up with a different number of SF for all the lots. Mr. Villani came up with 166,000Sf for the lots. Ms. Mueller discussed the right of way dedication within the R-20 zone. Ms. Mueller does not have the SF for each lot separated out by zone. There was discussion on the SF of the right of way. There was further discussion on the lots and averages for each zone.

Mr. Kastrud stated that there is 199,000SF in R-20V zone , assuming that the entire culdesac area proposed, 39,000SF is in the R-20 zone (although knows it is not) , how many square feet are left for lots. Ms. Mueller stated that 160,800 SF is left for lots, so the minimum lot size could get 8.04 lots, so 8 lots in the R-20 zone.

Mr. Villani asked about the 3 acre zone and how you can put three lots in the three acre zone. Ms. Mueller stated that lot H would also comply in the R-20V zone, with 20,000SF minimum. Mr. Chadwick stated that lot H does require a variance for Lot area. Mr. Chadwick states the qualifying plan does qualify 9 lots.

Mr. Villani asked why they would put 2 lots in the 3 acre zone, and not just put 8 in the R-20V and 1 in the 3 acre zone. Mr. Villani felt the three acre zone is for environmental conditions and constraints. Ms. Mueller mentioned that the plan was revised because of feedback from the board. Ms. Mueller stated that they can go down to a 15,000SF lot and can get 8 in the R-20V and one in the 3 acres, although she would like to present the subdivision and show a better layout and a better neighborhood. Mr. Kastrud asked about Lot H with a total lot area listed as 65,75SF, how much of that lot is in the R-20 Zone? Is it over 15,000SF? Ms. Mueller stated yes it is.

Mr. Kastrud suggested to label that on the plan, how much is in each zone. Mr. Chadwick stated that you only go to variable lot sizes when you have a qualifying plan. Mr. Chadwick thought they do have a qualifying plan for 9 lots.

Ms. Mueller went on to the subdivision plan. She discussed the proposed subdivision plan with 9 lots, a major subdivision with a culdesac off San road. There is a split zone, and they propose to have 8 lots more consistent with each other. There would be 8 lots on the culdesac extension and one fronting on Countryside Ln. The lots on San Rd extension will vary from 21,300 SF up to

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28,892 SF. Two lots are in 3 acre and 7 are in the R-20V zone. San Rd has R-20V zoning. The average lot size for the proposed houses are over 20,000SF. They made all the lots larger in the R-20 zone.

They went through the R-20 zone lots and that all are over 20,000SF in them. In the 3 acre zone there is 5.06 acres and Ms. Mueller stated that is 220,414SF. The total tract is 9.65 acres which is 420,354SF.

Mr. Villani came up with 166,399 SF in R-20V zone, and 220,666 SF in the 3 acre zone. Ms. Mueller believed the difference is because of the proposed right of way area. Mr. Villani asked if that is treated as a road or part of the buildable area. Mr. Kastrud stated the right of way does not count toward lot area.

Mr. Villani asked if they were using it as lot area incorrectly. Ms. Mueller stated they did not use it as the gross area. Mr. Villani wants the number less the right of way. Ms. Mueller stated the lots are designed dependent of the right of way. Mr. Villani wants to know why they don't put the lot in the R-20 zone and comply with zoning. Ms. Mueller stated the plan does require variance for proposed lot H, it is 25,842 Sf and is located north of the zone line and within the CR130/65 zone. That is the variance requested for Lot H, along with the lot width, and the side yard setbacks.

Mr. DiNardo said if just eliminated that lot you would have eight lots. Ms. Mueller believes the proposed plan gives a much better subdivision, consistent layout to the property vs. having a three acre lot on one side of the road and as small as 15,000SF across the street. It is a nicer lot average, all about 20,000SF.

Mr. Villani asked if took the lot down below and would still have enough SF to have an average of 20,000SF, so you don't have to reduce the size down to 15,000SF, although you may have to for engineering purposes.

Mr. Villani still suggests bringing the one lot down into the R-20V and have the one lot above in the 3 acre lot. Ms. Mueller still felt the proposed plan is more consistent and the qualifying plan permits it. There was further discussion on the consistent neighborhood with the extension of San Rd.

Mr. Villani stated there will still be a large lot next to a smaller lot. Ms. Mueller explained that the large lot will have a detention basin and the conservation easement on it. The unconstrained area, the buildable lot area is consistent with the other lot areas proposed.

Mr. Chadwick discussed the Q-2 plan presented. This property backs up to the Sleepy Hollow development, a new upscale development and Mr. Chadwick felt having a large lot on Countryside Lane makes sense. Mr. Chadwick doesn't like the idea of backing up many houses on Mount Bethel Rd. Mr. Villani had thought the one 3 acre lot would be fronting on Mount Bethel Rd in the past and might be commercial. Further discussion continued on the Q-2 plan, and how they back up to existing lots, a house behind a house (to those on Hillcrest Blvd). Mr.

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Chadwick felt the Q-2 plan has a lot of merit, with one house on Countryside (larger lot), the big lot is constrained and they may want to adjust the one lot line. It leaves the one lot backing to Mount Bethel and can be adjusted and spread out a little. Ms. Mueller has concern with the smaller lots and the .125 FAR results in a smaller house. It may be a 2000SF home.

Committeeman DiNardo was sure that the County would not allow the development to go out to Mount Bethel Rd., so he knows that plan will not work. Ms. Mueller stated they do have the area to have a culdesac instead, and do have the 75 ft. setback from Mount Bethel, and will have enhanced landscaping for the two lots that backup to Mount Bethel.

Mr. Villani discussed that it is 5 acres of land and is in 3 acres zone, and does not want to set a precedent for other properties with the same situation. Zoning is established for specific reasons, principals. Ms. Mueller agreed that if someone came in with one lot and wanted to subdivide but this is a unique situation, it is three existing lots divided by a zone line and this would create an extension of a neighborhood; that is more consistent with the area.

Mr. Villani is still not happy with two lots in the three acre zone. There was further discussion on the reduced lots or the proposed plans. Or to reduce the lots by one and would be able to have the lots in the R-20V zone to be the larger lots.

Committeeman DiNardo reflected that the Board is not satisfied with the Qualifying Plan. The board needed to give some direction to the applicant. Mr. Villani suggested more clarification on the plan with SF in the zone per lot. Mr. Chadwick thought may want to get an idea of the board's thoughts on Lot H and its variances and if they would support that. The focus should be on the Lot H variances. Mr. Chadwick stated there are no provisions in Warren Township ordinances that specifically address a split zone, there is case law. The zones follow lot lines.

Mayor Marion does think that setting a precedent is an issue. Mr. Villani asked the board members how they felt about the proposed plan (and closed out the last portion of the meeting). Committeeman DiNardo felt if the plan had eight lots giving at least 20,000SF (in the R-20V zone) and just having the one lot on Countryside and one in the 5 acre zone, it would be perfect. Mr. Malanga felt that the proposed plan will squeeze the property, but if cut down a bit it would be a better plan. Mr. DiBianca liked the idea of one lot on Countryside and likes the symmetry of the Q-2 plan with backyards matching up and liked the Q-2 plan. Mr. Toth liked the 8 in the R-20V and one in the 3 acre with no variances. Mr. Kaufmann agreed. Mr. Lindner is not in favor of the variances on lot H and felt the Q-2 plan may be better planning and not having three houses on Mount Bethel Rd.

Mr. Villani asked the applicant to carry to the next meeting available, the case was carried to March 9, 2015.

Citizens Hearing (agenda items) None.

■ **SCHEDULE OF NEXT MEETING:**

February 23, 2015, and March 9, 2015

■ **ADJOURNMENT**

Motion was made by Mr. Toth to adjourn, seconded by Mr. DiBianca. All in favor. Meeting adjourned at 10:10.

2-9-15minutes