

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
March 9, 2015  
APPROVED3**

**CALL TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS**

*Statement by Presiding Officer: Adequate notice of this meeting was posted on January 12, 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 (excused)  
Mr. Malanga

Mr. DiBianca  
Mr. Freijomil (arrived 7:40)  
Mr. Gallic  
Mr. Villani

■ **Announcements:**  
None

■ **APPROVAL OF MINUTES:**  
February 9, 2015

Roll Call

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

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

■ **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**

Discussed the ERI that we the board is being encouraged to adopt. Mr. DiBianca had some comments previously. It was decided to get the link to the report out to the Board members again. It is hoped that the board members can make comments, or suggestions/corrections.

■ **CORRESPONDENCE**

Response from Joseph Murray concerning the Stirling Pond, LLC resolution

Mr. Murray discussed the response and a request for a reconsideration of the condition of the private road condition. Mr. Siegel informed the board that the resolution is on the table and someone would have to move to take it off the table to go forward. The resolution is revised to take out the language that the applicant agreed to the private road condition, but the condition remains in the resolution. Mr. Siegel suggested to vote on the resolution as is, a memorialization of the resolution. Mr. Murray could go ahead and file a motion to reconsideration of that condition and present it at a hearing that would focus on that condition. Mr. Murray will notice for the hearing. There was a change in plans due to the Health Department requirements. They want the pond removed but first wanted testing of the water quality at different levels and it was done. The Board discussed that the pond removal was also part of the Planning Board approval. There was further discussion on the road. It was decided to vote on the memorialization of the resolution

A motion was made by Mr. Gallic to take the resolution off the table and on the floor, seconded by Mr. Villani.

Roll Call

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

**Revised Resolution for 123 Old Stirling Rd.** The resolution was changed to take out that the applicant consented to the road being private, but it does have the condition that the road is to be private.

**MEMORIALIZATION OF PB14-02 123 Old Stirling Road, Block 85, lot 15.03**

- Preliminary and Final major subdivision Application was heard and considered at a public hearings on November 10, 2014 at which time the board rendered its decision to approve with conditions, and this resolution is intended to memorialize the same in accordance with N.J.S.A. 40:55D-10(g) (2).

Motion was made by Mr. Kaufmann, seconded by Mr. Malanga.

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Roll Call

For: Mayor Marion, Mr. Kaufmann, Mr. Malanga, Mr. DiBianca, Mr. Freijomil, and Mr. Villani.

Against: None.

Mr. Murray filed a new motion to reconsider the condition of a private road. Mr. Murray will notice for this and the next meeting would be April 13, 2014.

- **CITIZEN'S HEARING:** (Non-Agenda Items Only) Mr. Villani closed this portion of the meeting seeing none.

**MEMORIALIZATION OF PB14-02 Gregory Lane, Preliminary Major Subdivision, Block 50, lots 2,5,6, and 7**

- Preliminary major subdivision Application was heard and considered at a public hearings on December 8, 2014, January 12, 2015 and February 9, 2015 at which time the board rendered its decision to approve with conditions, and this resolution is intended to memorialize the same in accordance with N.J.S.A. 40:55D-10(g) (2).

Motion was made by Mr. DiBianca, second by Mr. Toth

Roll Call:

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

Against: None.

- **CASE No. 1** (carried from February 9, 2015)

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**

A modified Qualifying Plan has been included in packets with mathematical information in a table for each zone.

Mr. Siegel swore in Mr. Christian Kastrud, the Township Engineer, and Mr. Chadwick, the Township Planner. Mr. Kevin Page, the applicant's engineer, came forward and was accepted by the board. He went over the amended Q-1, the qualifying plan for the subdivision.

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Sheet 2 is what is proposed and is the same as previously submitted. The Q-1 is dated 10/3/14 with a revision 2/23/2015. Sheet 2, the proposed plan is dated October 3, 2014.

Mr. Page continued to describe Q-1 as amended (no longer connection to Mt. Bethel, but has a cul-de-sac and they added more information in the lot area summary. No variances are required. The property now consists of lots 28.04, 29 in the R20V zone all to the south of the zone line is in the R20V/half acre zone. North is three acre zoning. The total area of the land in 3 acre zone is 5.06 acres (lot 30). About 220,000SF.

The area in R-20 is a little over 200,000 SF so with no roads you could get 10 lots. It doesn't count the existing bulb that was never built. Mr. Page stated they are showing the road in the 3 acre zone, so it goes down to 180,000 SF in the 3 acre zone. In the R-20V zone, they have laid out 9 conforming lots. But this is the second choice, not the plan they would like to build. To the east is Sleepy Hollow, which also has the zone line through it. When it was done it had a qualifying plan with 6 half acre lots in R20V and 14 three acre lots in the north, with a total of 20 lots. They wanted to create a homogenous subdivision with lots more equal, and were granted a variance. They ended up with 20 lots but where there were six there were two. Some of the larger lots had wetlands.

Mr. Page felt this (qualifying) plan has two half acre lots across from Sleepy Hollow and on San Rd there are 7 half acre lots across the cul-de-sac from the 4.41 acre lot. The road on the qualifying plan cuts through wetlands and the proposed plan does not. They propose on Sheet 2 to have nine total lots, not ten that the qualifying plan allows. So instead of two half acre across from the big one, they proposed a 1.65 acre lot. They propose 8 half acre lots, or a little larger and would support a home of up to 3000SF, worth more money. It keeps the neighborhood consistent along Countryside and San Road.

Mr. Page stated there is a need for a variance for lot H for area, lot width and front yard setback. They could re-engineer the qualifying plan. Mr. Villani stated that Sleepy Hollow is not relevant to the case, and many members were not on the board during approval. What was done at Sleepy Hollow was to take the lots in the half acre zone and made them larger and it reduced the overall number of lots if they had split the sizes. Hollows is asking to put a half acre lot in a three acre zone. The zone does not qualify for two lots on the property. Mr. Villani suggested they take the lot out of the three acre zone and it is not permitted to have a lot that is less than 1.5 acre, even with lot averaging. There are many areas in town with these constraints. Mr. Gallic also said the lots in the three acre zone do not compare to the Sleepy Hollow. Mr. Page stated that instead of two lots on Countryside, they would like to have the lot H in the three acre zone. The board indicated that they do not agree with the proposed plan and lot H in the three acre zone. Mr. Page said they could come back with a conforming plan and ten lots. Mr. Page stated the nine lot plan is a good plan, but they could do the ten lot plan.

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Mr. Freijomil asked about the lots north of the site, the sizes. Mr. Page stated they are three acre lots above. There are lines that divide zones and there will be smaller next to larger lots. It is rare to have half acre next to three acre zones.

Mr. Villani asked who is being affected by the smaller lots being across from Sleepy Hollow. He suggested they cut the number of lots down. There was further discussion of the zoning in the area. Committeeman DiNardo suggested that the board give Mr. Page some direction.

Mr. Villani did not see the benefit of putting two lots up in the three acre zone with not enough SF for it. What is the benefit of the extra lot, how it benefits the community, and he would like that reconciled. The board does not want to permit this here and then be questioned as to why another applicant would not be allowed if they have a lot they propose to subdivide into two but don't have enough SF.

Mr. Murray brought up that the standard Mr. Villain brought up was for a C1 standard not a C2 variance. A negative criteria in a C2; this will not constitute a substantial detriment to the community. Mr. Villani stated they have to (the applicant) meet the positive criteria and the negative criteria. Mr. Villani did not use the hardship standard. Mr. Villani wanted to know where the benefits are for the community, to give the positive criteria.

Mr. DiBianca discussed that the variance could be eliminated and the Countryside Lane could be adjusted. Mr. Freijomil can't see how it doesn't hurt by putting in these two lots in the 3 acre zone. The line is there for a reason for zoning.

There was further discussion on the one smaller lot in the three acre and one larger lot in the R-20V zone.

Mr. Malanga asked how much of an issue crossing the wetlands with the road may be. Mr. Page stated there will not be an issue.

Mr. Villani asked the public to come forward with any questions. Mr. Krystek from Hillcrest Blvd. He asked about cutting down the trees and increased noise from Mount Bethel. Mr. Page stated they would be developing in accordance with current zoning. Committeeman DiNardo asked Mr. Kastrud about how the town limits the number of trees. Mr. Kastrud stated they do try to limit the number of trees being cut and do create a buffer. There are limits of disturbance and they do create buffers where possible. Often there are conservation easements put in place to protect land. Mr. Krystek is also concerned with Hillcrest Blvd. and its condition in general and the extra traffic that will come with a new development.

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Ms. Marilyn Andrews came forward from 3 San Road and she expressed concern for the drainage. The slope is gradual and goes into the property to be developed. Where will the water go, how will the drainage be directed She does not want a pond in her yard. Mr. Page went over the new road with Belgian block curbing and it will be 35 feet wide. That water from the street will go into a detention basin. Ms. Andrews wanted to know if the properties would be elevated and thus cause issues on adjacent properties. Mr. Page said they would not elevate. Mr. Page explained they would be piping some of the drainage.

No one else came forward and Mr. Villani closed the portion of the meeting. Mr. Murray asked a few questions with respect to the two lots of concern, one of them is Lot H. Mr. Page stated that H is 25,000, almost 26,000SF lot, which is located in the 3 acre zone. Mr. Page clarified that lot H is 26,000 (almost), and lot I is 3.35 acres, one of the two lots exceeds the three acres.

Mr. Murray asked if the provisions of the ordinance, the qualifying plan and the zone district, do the provisions of the ordinance take into account environmental concerns? Is there any potential for increase in density of use, is it a feature of the ordinance? Mr. Page stated no. The density would not be increased on the overall track but on that one lot, it is a decrease, from ten to nine.

Mr. Murray asked if the objective of the ordinance is not materially impaired by usage of the two lots rather than the one. Mr. Page stated in his opinion, no. Mr. Murray asked if the retention of those two lots constitute a negative impact upon that use in that area, Mr. Page stated no. It is one more half acre lot down a street of half acre lots. Does the lot provide adequate air, light and open space? There were further questions as to Mr. Page's opinion on the community (proposed subdivision) . Mr. Page felt it would develop moderate income housing. Mr. Page restated they could put the two lots on Countryside or leave the smaller lot within the development in exchange for the larger lot across from a larger lot. Mr. Page feels it will not result in there being a substantial detriment to the zoning plan of this community. The building lot area for lot I is the same as all the other lots, even though it is a larger lot due to constraints. It would be similar to the other lots on the road. There is a setback from Mount Bethel of 75 feet instead of 50 feet (50 is normal for R-20V zone). There will be a buffering plan along Mount Bethel Road, but it doesn't matter if one lot or two are approved, it will still need buffer. The larger lot is impacted by environmental concerns and is restricted by the wetlands and buffer and prevent any further development. There will be single family houses built, whether nine or ten, Mr. Page will meet with his client before they come back to the board.

Mr. Villani asked if they wanted the Qualifying Plan they could vote on that. Mr. Chadwick stated that the plan could be standard or a variable lot size plan. The Engineer will speak with the client and determine what route to take. The application is carried to April 13, 2015 without further notice and the applicant gave an extension for decision through April 30, 2015.

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■ **SCHEDULE OF NEXT MEETING:**

March 23, 2015, April 13, 2015

■ **ADJOURNMENT**

Motion was made by Mr. Gallic, seconded by Committeeman DiNardo to adjourn. All in favor Meeting adjourned