

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
August 10, 2015  
APPROVED**

**CALL TO ORDER** Meeting was called 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 (excused)  
Mr. Lindner  
Mr. Malanga

Mr Freijomil (arrived at 7:46)  
Mr. DiBianca  
Mr. Scuderi  
Mr. Gallic (arrived 7:40)  
Mr. Villani

■ **Announcements:**  
None

■ **APPROVAL OF MINUTES:**

June 8, 2015

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

Roll Call

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

Against: None.

July 13, 2015

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

Roll Call

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For: Mayor Marion, Committeeman DiNardo, Mr. Toth, Mr. DiBianca, Mr. Scuderi, and 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**

■ **CORRESPONDENCE**

None.

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

Mr. Villani opened the floor to anyone in the audience for any non-agenda items they would like to discuss. Seeing none, this portion of the meeting was closed.

**AGENDA Items:**

**CASE # 1**                      **Case #: PB-15-04**  
                                     **Block: 90 lots: 3**  
                                     **Road: 28 Mountain blvd.**  
**APPLICANT:**              **28 Mt. Blvd, LLC**  
**LOCATION:**                 **28 Mountain Blvd.**

**PROPOSED: 5724 SF building variance for minimum lot area (existing; minimal side yard setback(existing))**

Mr. Richard Sasso, Esq. came forward for the applicant and explained the site with an existing building/house that they want to preserve. It is proposed that the existing house be changed to a dental office, for a children's dentist. The square footage is 2097SF. They also propose in the back of the lot an office space in a new building of 3627SF. They have taken comments from the TCC meeting held earlier in the year and incorporated some revisions to the plan. Mr. Sasso stated there will be three witnesses, Mr. Berlant, the applicant; Mr. Bob Gazzale, the engineer from Fisk Associates; and Gary Dean of Dolan and Dean, a traffic expert. They have applied to Somerset County and the approval is in the packet. That section of Mountain Blvd has been improved by the county, and the county has approved the applicants proposed configuration.

Mr. Siegel swore in all those who will testify, Mr. Gazzale (Fisk Associates), Robert Berlant (applicant), Gary Dean (Dolan and Dean), Mr. John Chadwick (Township Planner), and Mr. Christian Kastrud (Township Engineer).

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Mr. Sasso continued and introduced Mr. Gazzale and he was accepted by the board. Mr. Sasso asked Mr. Gazzale to go through the plans he had on the easel, including the landscape plan, a colorized plan of what was submitted. It was marked exhibit A-1, Colorized Site Plan. Mr. Gazzale explained it is located on the south side of Mountain Blvd, west of Wilshire Road, a rectangular shaped property, 100 feet frontage and approximately 270 feet deep, .9 acres. It is currently improved with a dwelling and a stone driveway on the easterly side of the house. There is vacant land next to it.

Mr. Gazzale continued to describe the access and driveway and the easement for the access of the rear of the neighboring property. The zone is RBLR and they comply with the lot width and the proposed FAR complies. Somerset County had made some improvements along Mountain Blvd and curbing and an island. He went over the drainage with some to Mountain Blvd and the rest drains to the rear. He went over the topography with a drop across the lot with about a 12 foot drop to the back. There are public utilities on the site. The proposal for the site is to renovate the existing dwelling to a single professional use, a dentist. The rear proposed building will be general office, with the 33 parking spaces required. They comply with the parking required. He described the circulation. Thirty feet would be the limit of the size of a vehicle that could turn around. The access drive would be along the common driveway easement. The parking lot would be towards the west and back towards the proposed building. Mr. Malanga questioned that if there were cars parked--could vehicles turn around (emergency vehicles). There may be some interference, so they may have to back up. There was question on the use of the site. Mr. Sasso stated they would stipulate that the rear building would be general office.

Mr. Villani asked Mr. Sasso if he had seen the memo from the Fire Marshall. Mr. Sasso had not received it. He was given a copy. Mr. Sasso expressed his concern that he had not received it before the meeting after asking for any reports that were available. Mr. Lindner spoke about the turning radius and the issues of cars in the parking lot.

Mr. Villani read in the memo from the Fire Marshall/Fire Chief dated July 13, 2015 from Mark Russo. The proposed layout gives concern for turning radius of fire department vehicles. They did not believe it allows for safe operation during a response to this facility, especially when the parking area is in use. They ask for a reduced size in building and some landscaping features be avoided/incorporated to allow access to the side and rear of the building.

Mr. Gallic spoke about the fact that required parking and emergency access comes up with these applications every time. Mr. Gallic felt that they may not be able to respond with this late memo. They wished to proceed. Mr. Chadwick brought up the undersized lot and it was stated they would address the pre-existing nonconformance. It is a small variance and pre-existing.

There was further discussion on the turning radius and the question of with the lot full is it the same? Mr. Villani brought up the police department memo and asked if wanted to go over that now. Mr. Sasso deferred to the experts that will speak later.

There was further discussion on the engineering design and the access for emergency vehicles.

Mr. Gazzale went over how the site has a change in grade and there would be a retaining wall on the easterly side maximum 3 feet high for about 50 feet and on the

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westerly side the wall would run the length of the parking lot at a maximum height of 5 feet. They meet the requirements of storm-water regulations. Mr. DiBianca has concerns on the drop on the west side of the dwelling and believes it is more than the one foot stated.

There was discussion on storm-water and also possible changes to the proposed site, such as one building instead of two to allow accessibility. Mr. Sasso asked to go over the FAR and Mr. Gazzale stated 15% is permitted and this proposal is 13.1% so they comply and also with lot coverage at 60 max and they are at 59% with both buildings. Mr. Gazzale felt they could navigate a K-turn on the neighboring property.

Mr. Chadwick asked about the excavation that will be required in the rear of the property. Mr. Gazzale stated they will strip top soil and remove existing material for the detention basin, and they will dig footings. It may be fill depth of 5 feet on the westerly. There was more discussion and it may be 4 feet above existing grade. There was discussion on soil movement and approvals. Mr. DiBianca is concerned with the retaining walls affecting the neighbors during construction or after.

Mr. Sasso suggested that Mr. Berlant might answer some questions. Mr. Villani proposed going to the professional reports or go with Mr. Berlant at that time. Mr. Berlant came forward and discussed that he had approached neighbors and Mr. Anthony Leone (next door) and asked if they could do some grading on the eastern side and omit the retaining wall. Mr. Leone did not want any action on his property. This development may help with entering the property. A fire truck could pull in and make a K-turn into the property. The property to the west is Esposito & Delvento and it is zoned commercial and they have 20 acres behind them, much of it is wetland and buffer. Mr. Berlant had that property under contract about 8 years earlier and had gone to the Board of Adjustment and it was denied, there is a zone line on that proposal. Mr. Berlant has spoken with Esposito on the retaining wall and he would give them a temporary easement to construct it and to clean up. They were not willing to give a permanent easement to grade on his property to omit the retaining wall. Mr. Berlant also asked about purchasing property. There was no interest in joint development and Mr. Berlant felt it was way too high for what he wanted for the whole property. There is an LOI on Mr. Berlant's property and there is a small pocket of wetlands buffer in the rear corner of the property.

Mr. Berlant went over his experiences with development and retaining walls. It can be done without disturbing neighboring property. There is temporary permission from both neighbors to build the walls. He discussed how they came to the decision of the two buildings and keeping no parking in the front and trying not to have parking in the back. This way the parking is in the middle. There is a grade difference and he is trying to work with both neighbors. They were not proposing to sprinkler the rear building but they may be willing to do that. It can be the correct fire rating without it. The building is 3627SF building.

Mr. Sasso asked about the dentist for the front building. Mr. Berlant stated it is a single dentist with 3 employees, she is in town now on Mountain Blvd. and has five chairs currently and would relocate all of them. It is pediatric dentistry and the dentist feels the parent bringing a child in for a visit there may bring other children with them. Two chairs would be able to have x-ray and the other three would not. A dental hygienist would be one of the employees. There are 15 parking spaces for the dental office. Mr. Berlant explained the building is in good structural shape. It needs new windows, siding, and

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landscaping. He went over the architecture, the new building would be a little more modern, higher ceilings; the buildings would match with new hardy plank.

Mr. Berlant had photographs of proposed look for the buildings and the current building. These were distributed with the packets to the board. Mr. DiNardo questioned the idea of two buildings and the possibility of one building may be a better plan for parking and access. Mr. Berlant brought up the neighbor and the access easement issue. There was discussion of options.

Mr. Villani brought it back to the review reports by the township professionals. Mr. Gazzale went over the report from Mr. Kastrud (dated 8/10/15 as an update from the TCC report) asked about the submitted permit for the filling of the wetland buffer. It will be given to the board when they receive it. They discussed Mr. Kastrud's item in the report about incorporating the neighboring property. That was discussed earlier and it will not happen. There was discussion of cross access to the property to the west and Mr. Berlant would have no problem with that. They discussed the fill and it was not exact-- Mr. Gazzale's estimate is 1200 cu yards of fill and 800 cu yards of cut so total amount of dirt moved is 2000 cu yd.

Mr. Gazzale went over the lighting shown on sheet 4 of the plans. It is LED fixtures mounted at 14 feet with a total of six fixtures throughout the parking lot. The lights along the property line will have house side shields. Mr. Chadwick made sure lights out note is on the plan, it is and it is one hour after business off. Mr. Lindner is concerned about glare with the 14 foot height above the parking surface. Mr. Gazzale does not see it being an issue.

Mr. Gazzale is confident the retaining walls will not affect the neighboring property (Mr. Kastrud's Item 5). Detailed grading would be added to the plans (per Mr. Kastrud's Item 6). Mr. Kastrud's item 7 concerned the dumpster location and cars in front of it. Mr. Gazzale assured that the trash removal would be on off hours. Mr. Villani and Mr. Kastrud do not feel this is acceptable. Mr. Villani discussed that there is too much on the lot.

Mayor Marion brought up snow removal and the proposed plans. Mr. Berlant stated they did change the island and reduced it, snow will be pushed to the corners. Mr. Berlant stated the board of health requirement is for a 10 x 20 enclosure and that is more than is necessary. They asked for a variance from the Board of Health for a smaller dumpster and were denied.

Mr. Villani called for a five minute break at 9:05 and announced that the second case, PB 15-06, 88 Round Top Road would not be heard that evening. It was carried to August 24, 2015 without further notice. The meeting was called back to order at 9:13.

Mr. Chadwick discussed with Mr. Berlant during the break and they decided they may come back because of the issues to be resolved and considered. Mr. Sasso brought up the revised plans that were submitted by the architect with revised trash enclosure. Mr. Coleman's, the architect, plan titled, Site Sign and Trash Enclosure SS-1, last revised June 18, 2015. The enclosure has the double gates at the front facing the parking space also has side door (man-door) on the side to allow a tenant to place trash inside.

Mr. Villani brought things to discuss at the next meeting, snow removal, traffic circulation and parking near the dumpster, and public safety with fire vehicles. Also, the office only in the back building and it will be a condition of the resolution.

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Mr. Sasso brought up the Fire Marshall report and how it states as the example shows and that there is only one page. The case is carried to the September 28, 2015 meeting with no further notice.

**CASE #2**                      **Case #: PB-15-06**  
**Block/lot : 38 lot: 1**              **Road: 88 Round top**  
**APPLICANT:**              **88 Round Top, LLC**  
**LOCATION:**                      **88 Round top (Round Top and Mountain view Road)**  
**PROPOSED: Preliminary 3 lot major subdivision**  
**Carried to August 24, 2015 with no further notice.**

■ **SCHEDULE OF NEXT MEETING:**

August 24, 2015 41 Old Stirling Road minor subdivision and  
184 Liberty Corner Preliminary and Final Site Plan

September 14, 2015 41 Old Stirling road, CRC Conklin minor  
subdivision/lot line, and possibly Hollows Phase I Final Major Subdivision

■ **ADJOURNMENT**

Motion was made by Mr. Gallic, seconded by Mr. DiNardo. All in favor.  
Adjourned at 9:20.