

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
FEBRUARY 28, 2022
APPROVED**

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL

Mayor Sordillo	Mr. Pasi (excused)
Committeeman DiNardo (excused)	Mr. Scuderi
Mr. Gallic	Mr. Esposito
Mr. Toth	Mr. Lippitt
Mr. Lindner (arrived at 7:35)	
Mr. DiBianca	
Mr. Argiro	

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 20, 2022, the Township bulletin board and sent to the Township Clerk, Echo Sentinel, and Star Ledger 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.

■ **APPROVAL OF MINUTES:**

January 24, 2022

Motion was made by Mr. DiBianca, seconded by Mr. Esposito to approve the minutes. All were in favor

■ **Reports:**

John Kaplan, Esq. was present for board attorney
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk-reappointed members to sign oath of office

Mr. Gallic went over the three standing committees to work on the Downtown Design committees and he hopes to start some work and he will send around some maps for discussion. Mr. Gallic feels the area should be from Apple Tree on the east end over to North Road on the west. And south would be the stream behind the buildings on Mountain, Mountain Blvd. extended, and Washington Valley road north to 58 Mount Bethel area. Mr. Gallic suggests the groups get together or even email. He feels it may take six to eight months.

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■ **ADOPTION OF ADMINISTRATIVE RESOLUTIONS:**

PB22-04A – Adoption of Resolution to appoint Lee Klein as traffic consultant for 2022 and authorize contract

Motion was made to appoint Lee Klein and adopt the resolution by Mr. Toth, seconded by Mr. Scuderi.

Roll Call

For Mr. Toth, Mr. Argiro, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mayor Sordillo, Mr. Lindner, and Mr. Gallic

Against: None.

■ **CITIZENS HEARING non-agenda items**

Seeing no one come forward this portion of the meeting was closed.

■ **CORRESPONDENCE NJPO Planner November/December 2021**

■ **PUBLIC HEARING agenda items**

PB 21-08 Donna & Michael Gallo

41 Gates Avenue, Block 109 Lot 6
Minor Subdivision

Ms. Donna Gallo came forward as the owner of 41 Gates Avenue and explained she and her husband are applying for a minor subdivision. They live at 41 Gates Avenue. They had an engineer present, Mr. Steve Parker, to present the plans. Mr. Parker gave his credentials to the board and was accepted. Mr. Parker, as well as, The Township Planner, Mr. John T. Chadwick, and the Township Engineer, Mr. Christian Kastrud were sworn in by Mr. John Kaplan, board attorney.

Mr. Parker went over the minor subdivision The lot is oversized and is a little over 32,000SF currently. The minimal zoning is 10,000SF lot size. The proposal is to retain the existing home on the property and live in it. They would sell the lot subdivided off. The property is served by public water/utilities. There are no wetlands.

Mr. Gallic recused himself as he owns property within 200 ft of the property. A minor subdivision does not require notice so Mr. Gallic did not receive any. Mr. John Lindner took over as the chairman.

Mr. Parker continued, the existing house fronts on Gates Avenue and the new house will front on Livingston Avenue. It has been reviewed by Warren Health Department, Sewer Authority and Somerset County Planning Board. They will submit a separate application

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to the Health Department. The proposed lots will be, existing home on the lot that will be a little over 14,000SF, and the new lot around 17,000SF. No variances.

Sheet no 2 of the plans show the new lots and any new construction would have to be approved by engineering and zoning. Mayor Sordillo asked why the setback is so close to the property line (side yard). The plan was just a concept. The setback from the front is 25, and the side is 10 Ft.

Mr. Chadwick mentioned that a few years ago this area was re-zoned for 10,000F. Mr. Lindner asked if it could be centered in the middle of the lot. It could be.

Mr. Kastrud, has reviewed flood plains and wetlands and it doesn't appear that this has any impact of this property. The lot numbers have been reviewed by the tax assessor and the new building address will be 25 Livingston. Mr. Kastrud spoke about the well behind the new lot building. Mr. Parker said that was in error, it will be public water and the well will be taken off the plan. There is no well there now. The metes and bounds descriptions for the lots will need to be reviewed by engineering, along with the easement.

Mr. Chadwick stated that Mr. Kastrud had addressed the wetlands and Mr. Parker had added a note to the plan also. Mr. Kaplan also asked that their office also review the deed.

Mr. Lindner opened to any questions the board had and there were none. The only condition would be to remove the proposed well off the plans, and metes and bounds will be reviewed. Mayor Sordillo added that the new dwelling be setback at least 20 feet. The applicant agreed to 20 ft minimum. Mayor Sordillo has concerns about being too close to another home and possible damage to existing dwellings during construction.

Mr. Lindner opened to the public and there were no questions or comments.

The conditions would be (per Mr. Kastrud) the applicant has stipulated on a 20 ft setback on the northerly property line, take off the well from the plans, submit metes and bounds descriptions to the township engineer office for reviews, and the deeds to Mr. Kaplans office for review. Mayor Sordillo made a motion to approve, seconded by Mr. Argiro.

Roll Call

For Mr. Toth, Mr. Argiro, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mayor Sordillo, Mr. Lindner.

Against: None.

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PB20-03 K. Hovnanian North Jersey Acquisitions, LLC

Block 208 lots 4 & 10

The Hills at Warren

Preliminary and Final Site Plan

Mr. Gallic opened the continuation of the application for K. Hovnanian. Mr. O'Grodnick attorney for the applicant came forward. He summarized the application with 192 for sale dwelling units, which includes 48 units at a 25% set aside for affordable units. This is in accordance to the settlement agreement reached in the Mount Laurel litigation. It is a zone that was designed and placed specific for this development, AH-1 Affordable Housing Zone. The development has been discussed for four or five years.

The ordinance was adopted in 2019. The development is appropriate with the proximity to Route 78 and is about 26.47 acres on Hillcrest Road to the west, existing residential homes to the east, and Emerson Lane to the north. The existing site is mostly vacant with mowed grassed fields and wooded areas. There are some residential structures proposed to be removed. There is a relatively large area adjacent to Route 78 that has been designated as wetlands. Portions of the property are located in the adjacent municipality but there is no disturbance or improvements proposed in the Berkeley Heights property, other than additional buffer plantings. The market rate townhomes will consist of 72 two-bedroom homes, 72 three-bedroom homes, each having a driveway and a garage. Surface parking is included for visitors. The affordable homes include 32 two-bedroom, and 16 three-bedroom units. The surface parking lots are to service the affordable units. The development includes 129 parking spaces. Private recycling and trash hauling and typical accessories including storm water, sidewalks, lighting, signage, a tot lot, pump station and now proposed nature trail are included.

The only relief required are c bulk variances. There are patios in Building 1 that are within 50 ft of the perimeter of the buffer setback. There is a parking area near Building 1 that is also within 50 ft of the perimeter buffer setback, and the sewage pump station is within 50 ft. of the perimeter

Mr. O'Grodnick stated that the last meeting had testimony from the civil engineer, Mr. Ciliberto. Mr. Brad Thomson was there this evening (Feb 28) to introduce the nature trail. The county has required right in and right out access so that would also be explained.

Mr. Karl Pehnke, their traffic engineer, was present. They believe all the traffic issues are resolved. Mr. Ciliberto had explained there will be a signalized intersection at Hillcrest and Emerson. Ms. Andrea Hopkins, landscape architect, was also present to go through the design and changes. Mr. Joel Lupinowski, their architect, was also present to go over the evolution of the architecture. Also, Mr. Arthur Bernard, their planner, was present.

Mayor Sordillo asked, for a resident that could not attend, is there any room for a small playground for the children anticipated living there. There will be a tot lot. They have also added a recreational walking loop with some signage.

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Mr. DiBianca asked about the two vehicles for unit. He questioned that it would stay to two drivers. If someone has another car it should not go into a visitor spot. There are only two parking spaces for each unit and then other visitor parking, who will monitor if owners are in visitor spots, nothing will be marked. There will be no boats or RVs permitted to be parked on site. There is concerns that parking will go onto the streets nearby.

Mr. John Caniglia came forward for K. Hovnanian as council. For the master deed for the community with townhomes, it is required that homeowners park their vehicles in their garage or driveway only. Most of the homes, other than 16 will have a one car garage and a one car driveway. The deed will prohibit parking regularly outside of those spots. The 16 units without a garage will be permitted to park two cars in surface spaces.

Mr. Gallic asked how many "extra" spaces are there when you take out the two spaces for the 16 units without a garage and driveway. He did not know but he knew they met RSIS requirements. Mayor Sordillo was concerned with holidays or events with residents having many visitors. There will be parking on the local streets. Mayor Sordillo believes there will be issues and complaints.

Mayor Sordillo asked about dirt coming into the site while another development across Hillcrest may be taking out dirt and perhaps it could be used at the K. Hovnanian site.

That would depend on timing of both developments. Mr. Chadwick believes they are both bringing in fill.

Mr. DiBianca asked about the noise from Route 78 that had also been discussed at the previous meeting. Was there any studies about the noise and if it will affect the development. Mr. Caniglia said there homes are quite a way from Route 78. Mr. DiBianca said his home was also a way from 78 (miles) and he hears it.

Mr. Gallic asked how far away the dwellings will be from Route 78. The engineer for the applicant, Mr. Brad Thomson came forward and gave his credentials and was accepted by the board. He brought in Exhibit A-4, dated February 14, 2022, Site Grading Plan to show sidewalks and walking paths. He checked the distance from the closest building to Route 78, and it is about 220 ft to the off ramp. The main roadway is farther away, around 350 ft plus. They have not done sound level tests because of the distance. There is a rule that if you are over 200 ft from the traveled way of a public roadway system then no abatement is required. Mr. DiBianca has concerns about trucks at night. He suggests a study to show the noise levels. Mr. Gallic also said he lived on Hillcrest for 20 years and Route 78 is horrendous with hearing the brakes all day long. He also said the trucks on Hillcrest are extremely loud. There was further discussion and possible noise studies. Mr. Chadwick said sometimes triple pane windows, or no windows facing the highway help. It has been a practice for other developments in Warren along Route 78.

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Mr. Thomson went over the Exhibit and the walking paths, he has hi-lighted where they believe the loop would be appropriate, a sidewalk has been added along the southern side of Building 7 and 8 to connect those areas, and they added a walking loop on the southeast corner of the site. That walking loop is within the wetlands area but NJDEP allows for a GP 17 permit to allow up to a 6 foot wide walkway, up to half acre disturbance. The purpose of the trails should have as little impact as possible on the wetlands. They would stay out of the more sensitive areas to meet the GP 17 permit.

Mr. Toth asked how close the loop is to the detention basin. It is approximately 100 to 150 ft. They are trying to avoid any issue with the basin and the loop. Mr. Chadwick feels this is a good solution away from the basin, and issues with grades.

Mayor Sordillo recalled a document from DEP wanting percolation directly into the soil and not via detention basins. Mr. Kastrud remembered that they asked for smaller localized detention basins where feasible. New regulations came out March 2021. There is not a lot of recharge in the soil at the site.

Mr. DiBianca asked about the water access through the undeveloped area, from Valley View and down Majors out into/across Hillcrest. K. Hovnanian has an informal agreement with Premier (who is going to development across the street). Across the street will be small short segment of 8 inch line that would tie into the Bellewood Acres line. Pressure is not an issue with the water coming this way.

Mr. Chadwick asked about some of the deed restrictions for the property. The cars will be limited to two cars for unit. Commercial vehicles, boats, trailers, recreational vehicles are prohibited.

Mr. Thomson went over Mr. Ciliberto's testimony from the previous meeting. There are 144 stacked townhomes and 32 affordable homes with one car garage and a driveway. Two spaces for all of those units. The remaining units, 16 units, will use surface spaces that will be provided for those units. In addition to those surface parking spaces, there is a half a space for each unit for guests. Total number of units is 192 and there is 129 spaces where 125 spaces are required. Every homeowner will have two spaces available. All but 16 will have a garage and a driveway. Sixteen will have two surface spaces (not including guest spaces).

Mr. Gallic opened the hearing to the public for engineering testimony. Mr. Argiro asked the engineer about the northwest side of the property and the areas that are not owned by K. Hovnanian. There are houses there. Mr. Argiro thought it would have been nice to have bought those homeowners properties as it would give everything more space.

There is a tot lot on the property. The applicant asks for flexibility in the trail area due to possible NJDEP requirements.

Mr. Steve Kachtan from 2 Emerson Lane came forward. He had met with K. Hovnanian about selling his property. He asked about the tot lot location and Mr. Thomson pointed it out, as well as the exercise stations. Mr. Kachtan asked that the fitness station near his property be relocated away. Mr. Kachtan also requested that the Belgian block

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curbing that is going to be installed along Emerson Lane be extended to wrap around Emerson and encompass the entirety of his property. There will be standard Belgian block and the applicant agrees to the request.

Mr. Chadwick asked what the extent of improvement to Emerson is. Mr. Caniglia said if the county will allow sidewalk, they would install it. Mr. Lindner has concerns with the number of trucks that will use Emerson and damage to the roadway.

Mr. Caniglia said that most of the truck traffic will come from Route 78 and enter on the Hillcrest side. There was further discussion on timeline of construction and sequence of which areas will be developed first.

Mr. Chadwick asked for clarification on the two areas of road on Emerson that are privately owned now. The engineer said it is now proposed to remain as is. The width of Emerson has a 50 ft right of way but the pavement is much less, it is a local street.

Mr. Chadwick suggests a proposal on the Emerson improvements. Mr. Gallic is concerned for the properties and trucks driving over the land. Mr. Thomson reminded them that adding curb will change drainage some also.

Mr. Lindner asked about the detention basin going into the creek and to the other side of the culvert. It ends up in Watchung Lake.

Mayor Sordillo mentioned that it is a location that cars might get stolen. He asked if there would be any control going in and out of the property. It is not going to be gated. Lighting is adequate. Mayor Sordillo wants to ensure that the lighting specification are met for security purposes.

Mr. Karl Pehnke came forward as traffic professional for K. Hovnanian and gave his credentials and was accepted. There was a traffic impact study dated June 2020 and revised February 2022. He has been involved with the project for quite a while and has worked with the township and the county on it.

The projects includes 192 residential units. Based upon the feedback from the county, the access to this project will be right in and right out driveway from Hillcrest Road. There will be a full movement driveway along Emerson Lane, which will be aligned across from Northridge Drive. There will be grading improvements along Hillcrest Road which will improve safety on Hillcrest.

The intersection of Emerson Lane and Hillcrest Road has been a concern of the township police. The applicant has agreed to take on the responsibility of design and construction of the traffic signal at the intersection. The level of service there will be A and B levels when the signal is installed. The intersection has Belgian block curbing. They will continue with that and there will be handicap ramps.

Mr. Lee Klein, traffic consultant for the Planning board, was sworn in. He has reviewed the report by Langan and submitted a report dated February 25, 2022. He has been

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involved also with the town and the county on this project and coordination of the Premier property for traffic.

He asked about the parking space number. If there are 144 units with a garage and a driveway, with 32 affordables also having a garage and a driveway (another 64) so a total so far of 352. If take away 32 surface parking spaces for the sixteen units with no garage or driveway, he end up with 384 accounted for so 460 minus 384 is only 76. With a half space per unit you need 96 spaces. There are fractional spaces for different size units.

There was further discussion on number of spaces required. Mr. Pehnke stated that per RSIS it is required that 450 spaces are provided and they have 481 spaces.

There will be some developments coming to Berkeley Heights that will add volume. There may be signalization required at the Route 78 ramp and turns. This will also involve Premier development and access.

Mr. Gallic sees backups when the left hand turn gets backed up and the right hand turn people can't get through to the right.

Mr. Klein suggests additional walkways/crosswalks.

Mr. Gallic doubts the service Level of A and B. There is no middle lane proposed. Mr. Klein did agree with the Level A and B based on the analysis. It does include Premier in the study.

Mr. Chadwick asked about the dead end roads in the development and if it will create issues in terms of service vehicles. Mr. Pehnke did not believe it would. The county will not take care of recycling for this type of road. It will be private hauling for this application.

Mr. Chadwick was concerned with cost to the township. Mr. Caniglia said that under the municipal service act, there could be a request for reimbursement to the extent that the municipality would provide the service. If the municipality is not providing the service Mr. Caniglia didn't believe the town would not be any claim for reimbursement for recycling costs. Trash pick up is not provided by Warren Township either. The cost for trash and recycling will be included in the homeowner association fees.

Mr. Chadwick asked about the timing of the signal installation. The developer agreement will include a timeline per C/Os that will be issued. Mr. Pehnke believes the design and installation will take four to six months and to build it should take a couple of months.

Mr. Caniglia felt maybe one-third to one-half of the C/Os be issued before the signal is up.

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Mr. Gallic opened this portion of the meeting to the public. Mr. Henry Freudenberg from 59 Emerson Lane, Berkeley Heights came forward and asked about the traffic light and is it timed, or car sensitive. Mr. Pehnke said it would include vehicular detection.

Mr. Joe Farro came forward from 3 Sage Drive, Warren. He asked if the exit for the interchange will have a light. That area will be evaluated with the Premier development. This will also probably require state and perhaps federal involvement. Mr. Farro has concerns.

Mr. Kastrud asked Mr. Pehnke if there are any anticipated changes based on Premier improvements along Hillcrest Road and that interchange that may affect the access to the K. Hovnanian site. Mr. Pehnke said no. They will be able to be timed with the other light.

There will not be a delayed green for Bellewood to exit out. Mr. Gallic is concerned with the speed limit there and feels the delay is required. There was further discussion on the need for delay or a center lane.

Mr. Chadwick asked Mr. Pehnke if they figured traffic up to the railroad station. Mr. Pehnke said they did a projection of 15% effective growth but not specific to the railroad station.

Mr. Chadwick asked about the intersection of Mountain Avenue and Hillcrest north of the project and asked if they looked at that at all. They did not.

Mr. Art Bernard came forward as the planner for K. Hovnanian. Mr. Bernard was sworn in and gave his credentials and was accepted by the board. Mr. Bernard has reviewed the October 2018 settlement with Fair Share Housing and Fair Share is a non profit organization that took the lead in much of the affordable housing litigation since the 1960s. They were involved in the recent litigation that got rid of COAH. They were part of the affordable housing cases that needed to be settled in court. He also reviewed the Housing Element of the Master Plan and the zoning ordinance, and the applicant's plan his property. He also reviewed the professional reports. He has been to the site on several occasions.

He spoke about affordable housing and how they got to where they are now (New Jersey). It is not government subsidized housing. Everyone who is in one of these units will qualify for their own mortgage and will pay for it. The private developer receives an increase in density with more market units in order to subsidize the affordable sales prices. The term set aside is a percentage of low and moderate income households available in a development. The set aside can be 20%, in this case it is 25% and the units aren't just reserved for low and moderate income households, they are priced to be affordable to them and they are deed restricted so that they remain occupied by an affordable housing over a time. The time period is usually 30 years, but in this case, they will be restricted for a period of 50 years. The increased set aside means more affordable units over a longer time period which benefits the people that are suppose to benefit from this community. There will be more affordable units for more years. It also benefits the whole community in that this is an ongoing obligation. They will be credit

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worthy for a longer period of time. The higher percentage of set aside means that instead of a 20% set aside with 4 market units for every affordable unit. The 25% gives 3 market units for each affordable unit. The total units will be less.

The people who will live in the units typically earn between 30% and 80% of the median income for a housing region. Median income changes depending on where you are in the state and size of the household. In Somerset County for a 3-person household, they could earn between \$33,000 and \$89,000 and still qualify. That is quite a gap. It is a large number of households; teachers, nurses, and social workers. It includes a lot of older people on fixed incomes and a lot of young people starting out.

In order to get a housing unit all will have to go through credit checks and qualify for a mortgage like everyone else. Some may ask if there is really a need for this type of housing. We live in a state, Mr. Bernard continued, where a full 42% of all the households in New Jersey are classified cost burdened as related to housing by the federal government. That means they pay more than 30% of their gross income on their housing. K. Hovnanian has been a leader in affordable housing development.

Mr. Bernard went over the history of affordable housing. In 1975 the Supreme Court found that every municipality in New Jersey has an obligation to provide for low and moderate income housing. By 1983 the court expressed its displeasure that municipalities weren't complying with that decision. So it decided it would offer the private sector relief if the community was not in compliance and the developer was willing to build affordable housing. By the mid-1980s, over 100 communities were in court facing builder's remedies. The legislature responded by creating a state agency and that was Council of Affordable Housing (COAH) for municipalities to plan for their housing needs. Warren was one of the first communities to get certification fairly quickly.

Over time COAH either couldn't or wouldn't do its job. The supreme court in 2015 determined that the superior court would have to do the job for that agency. Municipalities were given a limited protection from future builders remedies if they agreed to submit to the courts jurisdiction and submit a plan to address their affordable housing obligation. Warren filed a motion with the court to do that. Since COAH didn't do the job for so long the housing obligations were big. Warren had to address a housing obligation of 641 units. At that time, developers would come forward with potential sites. K. Hovnanian did that and the town found that the subject site was acceptable, that the general design was acceptable, the town wanted the 25% set aside (which will minimize the total number of units required).

The applicant and township sat down to negotiate the design of the property, which is a function of shape of the property; its environmental constraints, and because of the affordable buildings were more narrow and required more surface parking, there was an agreement that the affordable units could be together at the front of the site. The court agreed to the settlement. During the negotiations Fair Share housing's main concern was if the units were going to be out near the front, they wanted to make sure the affordable units were indeed part of the community with the same benefits and services

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as the whole community. It is one condominium association and all have the same services, including maintenance of the roofs and patios, trash removal, and lawn.

K. Hovnanian has worked with township professionals and have made revisions to the landscape and architecture. The focus of the planning boards review is to decide if the application is consistent with the settlement agreement and the resultant ordinance. The applicant should be able to rely on state standards; such as RSIS, and NJDEP stormwater standards. And should be able to rely on the settlement. This plan is what was agreed on. NJDEP did discover more wetlands than original thought.

The town can consider reasonable variances. There are three variances related to the perimeter landscape buffer of 50 ft. Two variances involve Building One, close to Hillcrest Road. One of them involves a couple of patios, one patio intrudes up to six feet into the 50 ft. buffer. Two parking spaces that serve Building One, one of the parking spaces gets as close as 38 ft. from the perimeter buffer. The pump station, along the side yard perimeter-- it is the fence that intrudes into the buffer.

Mr. Bernard felt that all three variances can be granted based on either one of the criteria, the c(1) criteria concerns the physical characteristics of the property that causes some sort of hardship or practical difficulty. In this case, the property is somewhat irregularly shaped. The wetland are on the southern portion of the property. The detention basin needs to be at the southern end of the property. So it pushes the development up a bit north. The practical difficulty would be to deny a couple of owners patios in Building One. The hardship with the parking spaces would deny a couple of people a more convenient parking next to Building One. The practical difficulty associated with the fence at the pump station would require re-design of the project for a minimal intrusion to the buffer.

In terms of a c(2) with the benefits outweighing the detriments will consider the benefits of the entire proposal. Mr. Bernard feels that this proposal advances the following purposes of the MLUL. Purpose a, which involves encouraging the use of land; purpose c, which is promote appropriate population density; and purpose g, which is to provide sufficient space for a variety of residential uses. The benefit to citizens makes a major contribution towards the townships affordable housing obligation, with a 25% set aside and 50 year deed restriction (vs 30) and it is providing safe affordable housing.

The benefit of the patios is it allows people to enjoy some space with friends and family, the benefit of the parking space is it provides more convenient parking, and the fence allows for adequate sewer without a re-design of the plan.

In terms of the negative criteria, the parking, patio and pump station are all well landscaped and visibility should not be an issue. The pump is buried underground.

In terms of the zoning plan, the uses are permitted. The density is permitted and they are complying with the vast majority of the bulk standards.

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In his opinion, the relief is justified based on c(1) or c (2) criteria and it advances the Housing Element, the benefits outweigh any detriments.

Mr. John Chadwick had asked the applicant to submit an affordable housing plan and file a declaration with the county clerk's office. They agree to do that. There is an administrative agent for the town to ensure things are done correctly. The applicant will follow all requirements.

Mr. Gallic mentioned he is a professional planner also and he remembers from the planner's test was good planning concerns race equity and equality. What is the percentage of minorities presented to affordable housing vs. non-minorities. Mr. Bernard said it depends, the development have to be affirmatively marketed throughout the region, including areas where African Americans, Latinos, and other minorities would be able to apply. Mr. Gallic said they should expect that there is a higher percentage than the normal population of Warren, of minorities, applying for these low income housing. He felt that to put all the affordable units in one area is wrong. Mr. Gallic doesn't agree with it at all.

Mayor Sordillo mentioned that it sounds like legalized segregation. Mayor Sordillo disagreed that this is an appropriate use of land. He voted against the settlement. He felt that the township committee voted for it due to fear that it could be much worse if they didn't vote for it. These areas are the worst areas left in Warren, they felt it might be industrial use with traffic, noise, and wetlands. The worst locations in town with 3.5 billion gallons of water dropped on Warren (storm Ida). Climate change is changing how the water is drained/not drained. Mayor Sordillo suggested that the township subsidizes this housing because of students and the affordable units will not pay enough to put students through a year. The tax load is re-distributed to the other Warren residents.

Mayor Sordillo agreed that 50 years deed restriction is better, but the township/residents just paid over \$4,000,000 to extend the affordable housing across the street from town hall. They paid so they wouldn't get hit by those units coming out of affordable unit restrictions.

He also mentioned the Promenade and the board of directors came to the Township Committee and asked about subsidizing the condo fees for the affordable housing. All the residents of Warren have to keep subsidizing the affordable housing.

Mayor Sordillo asked if there was a different way to have the patios without variances. He suggested to reduce the number of units on the property. Take ten units away and you will have no buffer problem. Mayor Sordillo felt the segregation of minorities is disgusting. This is not the good of the town, or residents.

Mr. Lippitt also said the segregation of the units is extremely troubling.

Mr. Lindner understands that this development proposal was settled in court but thinks the developer could do the right thing and disperse the affordable units throughout.

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Mr. Toth asked about the underground pump for the pumping station and where the generator is going to be located. Mr. Bernard did not know. Mr. Toth was concerned about the noise.

Mr. Bernard said there are many non-minorities that qualify for affordable housing. Mr. Gallic still believes it will be distinctly more minorities and disagrees with it. Mayor Sordillo said the whole purpose of this affordability is to integrate the community with people of different backgrounds. Isolating by economics is just as bad.

Mr. Gallic also brought up that some of the units don't have garages or driveways in the affordable units.

Mr. Bernard said the developer has a right to rely on the settlement agreement that the town entered into. There was further discussion on if this is an appropriate use of the land or a legal use (due to settlement agreement).

Mr. Bernard went over the criteria for considering the variances. The governing body signed the agreement, the planning board adopted a housing element with this property included, and the governing body adopted an ordinance that allowed K. Hovnanian to build this site plan. Thus, an appropriate use of the land.

Mayor Sordillo asked why the applicant has to come in and ask for a variance. It isn't all done and they could not agree to it. Mr. DiBianca said the board brought up their discontent for all affordable in one location in an earlier meeting and it was ignored.

Mr. Gallic opened this portion of the meeting to the public, on the planning testimony. Mr. Kachtan from 2 Emerson Lane came forward and asked about the generator for the pump and how loud it will be and what the exercise cycle will be. Mr. Gallic said they could ask the applicant's engineer about that. No one else came forward and this portion of the meeting was closed.

Mr. Gallic said they will carry the application to March 14, 2022 at the same time, same place without further notice. (Later the March 14, 2022 meeting was cancelled and K. Hovnanian noticed for March 28, 2022 meeting)

Amendment to the Master Plan Redevelopment Element of Warren Township, dated February 2022.

Mr. Chadwick went over the amendment with nine redevelopment sites in Warren. Two of those, 40 Mountain Blvd, and 15 Mountain View were not previously included previously but are in this amendment.

Mr. Gallic called for a motion. Motion was made by Mr Toth, seconded by Lindner. All were in favor to adopt the Master Plan

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■ **SCHEDULE OF NEXT MEETING: March 14, 2022**

■ **ADJOURNMENT**

Mr. Toth made a motion to adjourn, second by Mr. Lippitt, all were in favor. Meeting adjourned 10:10.