

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
March 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 (excused)
Mr. Gallic	Mr. Esposito (excused)
Mr. Toth	Mr. Lippitt
Mr. Lindner	
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:**
February 28, 2022

Motion was by Mr. Lindner, seconded by Mr. Toth. All in favor.

■ **Reports:**

Steve Warner, Esq.
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk

■ **CITIZENS HEARING non-agenda items**

■ **CORRESPONDENCE**

■ **PUBLIC HEARING agenda items**

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

At the previous meeting the board did not open this item to the public. Mr. Gallic opened to the public.

Seeing no one come forward, that portion was closed.

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Resolution PB22-06A Adopting an Amendment to the Redevelopment Element of the Master Plan

Motion was made by Mr. Toth, seconded by Mr. DiBianca to adopt the resolution

Roll Call

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

Against: None.

Ordinance Review Referral from Township Committee

For consistency with the Master Plan

Mr. Chadwick said this was the ordinance that is for the development that the Amendment included. It has been introduced by the Township Committee and provides for redevelopment and he feels it is not inconsistency with the Master Plan

A motion was made by Mr. Toth, seconded by Mr. Mr. DiBianca.

Roll Call

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

Against: None.

Resolution for PB 21-08 Michael and Donna Gallo

Block 109 lot 6 Minor Subdivision

A motion was made by Mr. DiBianca, seconded by Mr. Argiro.

Roll Call

For: Mr. Toth, Mr. Argiro, Mr. DiBianca, Mr. Lippitt, Mayor Sordillo, Mr. Lindner.

Against: None.

PB20-03 K. Hovnanian North Jersey Acquisitions, LLC

Block 208 lots 4 & 10

The Hills at Warren

Preliminary and Final Site Plan

Mr. Michael O'Grodnick came forward as the attorney for the applicant. The applicant seeks preliminary and final site plan approval for a multi family residential development of 192 for sale dwelling units, which includes 48 affordable units at a 25% set aside. This was part of the Township Settlement agreement. The property is the AH-1 zone district. The ordinance to re-zone the property was adopted in 2019 and the court has granted final judgement of compliance. The project is in accordance with the ordinance. It was designed in

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accordance with the agreement of the terms of the settlement agreement as it relates to the discussion of dispersion of the affordable units; addressed on page 5 of the settlement agreement, which states "K. Hovnanian will be rezoned to a density and a bulk standard that will support the development shown on the concept plan dated January 7, 2018, which includes 192 stacked townhomes and 3-story buildings with a 25% set aside restricted to low and moderate household incomes. The low and moderate income units may be contained in buildings contained only low and moderate income units and located in one section of the site but shall be included in the same homeowners association as the market rate units.

As discussed by the planner, Mr. Bernard, the low and moderate units are included in the same association and share all of the site amenities. The applicant relied on the settlement agreement subsequent to court order while engineering and designing the site. Premiere also has this similar language as well as Pirhl, and Toll Brothers and the affordables are located in the same buildings.

The application proposes the demolishing of the outbuildings and structures. The lots will be merged. Market rate units will consist of 72 two-bedroom, 72 three-bedroom homes with each having a driveway and garage. Surface lots are for visitors. The affordable homes include 32 two-bedroom and 16 three-bedroom units, the surface lot spaces will provide the affordable units parking for some units.

There are three patios within the 50 foot perimeter of the landscape buffer. Two parking spaces near building one that also go into the 50 ft landscape buffer. They propose 129 stall parking. They could trim down some of the parking spots and patios to eliminate the variances. There are 449 total parking stalls for the 192 units.

Mr. Warner, the board attorney, did review the notice and found it to be timely served and the board has jurisdiction to continue hearing the application.

Mr. Gallic asked if the board was party to the settlement agreement. No they were not, just the Township Committee.

Mr. Chadwick asked about what was decided about the Emerson Lane improvement. They also spoke about the HOA at the last meeting. Will the affordable units have the full obligation to the HOA.

Mr. Canigiia from the K. Hovnanian organization said they typically stratify the fees based on unit size. So the fees for the affordable units would be somewhat lower than the market unit fees. They have done this in developments that include affordable homes and also developments that do not include affordable units, just based on size. Mr. Chadwick asked if the market rate units ever subsidize the affordable units. Mr. Canigiia talked about the fees and past COAH regulations. Mr. Chadwick said this has become an issue in some projects in

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town. Mr. Chadwick suggested if the board approves the application a condition could be placed to stratify HOA fee with a number of options.

Mr. Warner asked if the applicant would stipulate (as long as not prohibited) to a structure to be determined later and there would be some reasonable reduction for the affordable units. Mr. Caniglia said you can stratify fees based on objective factors, such as size. There was discussion on the Promenade and some issues they have had with affordable units and the HOA fees. There will not be a club house or pool here and will not have the costs that the Promenade does.

They agreed to have a mechanism that can differentiate the HOA costs somehow. They agreed.

Mr. Chadwick asked about the Emerson Road improvement. He recalled that they offered to do a third to a half of road improvements, Mr. Chadwick suggests they fix the road to meet township standards. There was discussion on curbing. Curbing should be done and drainage.

There was discussion on the number of units and when the signal will be completed. Mr. Linder suggested documenting the condition (on Emerson) before construction is done. It is not in good shape currently. There will need to be some milling and paving. They were not sure about curb but they didn't want some curbing and some area without curbing. There was further discussion on the HOA and percentiles for the affordable units.

It is only 16 units that have surface parking so 2/3 (32 units) of the affordable units have driveways that will be plowed by the HOA.

Mr. DiBianca brought up the noise issue that was discussed at previous meetings. Did they give any considerations or possible barriers for noise on the site. Mr. Caniglia mentioned that the requirement is to keep a certain distance away from route 78 and they are more than 200 ft, and most are even farther away than that. Mr. DiBianca asked about landscaping to help. There is landscaping proposed and some buffer areas existing.

Mr. Chadwick had mentioned previously a solution of triple pane windows glass on windows facing Route 78 and it has helped with other developments. Mr. Caniglia said they could do that. This could be a condition of approval.

Mr. Joseph Lipanovski, the applicant's architect, came forward and gave his credentials and was accepted. The community is 192 total homes, and includes 144 market rate stacked town homes and 48 income qualified stacked homes. There are 15 buildings throughout the site. He brought up Exhibit A-2, the site plan, and went over the buildings and number of units in each. Two market rate models will be offered within each of the market rate stacked home buildings and the size of those homes will be about 1618SF on the lower unit and 2090 for the upper stacked home.

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In the three, income qualified stacked town homes, the size range from 756 Sf for the smallest home to 1252SF for the largest three-bedroom home. There are 104 two-bedroom homes, and 88 are three-bedrooms for the whole site.

He showed the elevation of the two building types; the affordable and the market rate were shown, they are Exhibit A-5 (affordable); and Exhibit A-6 (market). These renderings included the revisions requested by the township consultant, Mr. Jeff Beer. There are multiple jogs and recesses for interest. The market and affordable homes are very similar in design look. There is a combination of stone and vinyl siding. The vinyl siding consists of horizontal siding (board and batten style), as well as shake type siding. There are decorative columns and garage doors, accent trim along windows, doorways and roof elements. He went over the rear elevations with vinyl siding and head trim along the windows, there are multiple shutters. Triple windows are in many of the lower units as well as expansive six-foot sliders for exterior access of the lower units. The rear elevation is Exhibit A-7 and is a typical market rate home.

Some of the areas with high visibility were identified as Hillcrest Road as well as Emerson Drive, and the homes in Building 13, 14 and 15 that back onto the Berkeley Heights property. The applicant worked with Mr. Beer to improve those areas. Building 1 was shown as Exhibit A-8, and is a Fairfield I, II, and III models. There is stone on the first floor of the building. Building two and three do not include stone. There are some areas that are covered with gabled roof elements. Every window in the rear elevation has shutters. There are gables along certain sliding doors at the rear, and added trim at the gable. There are windows on the side elevations as well as shutter trim in areas that had expansive wall area.

Exhibit A-9 is a front elevation of Building 9 looking at the left side. There is some shutter trim, inserted windows, bumped out the elements, and added full height stone along the side elevation here.

Exhibit A-10 is the rear elevations for buildings 13, 14 and 15 and are towards the Berkeley Heights property. There are jogs, stone below the first floor windows, as well as trim at each of the gabled roof elements. Some of the interior buildings will not have those elements, but the ones identified as high visibility will.

The stone for other buildings will be along the first floor, the rear elevations of some buildings have not had the added details.

Mr. Lindner asked what the siding will be and he would like to see the stone on all of the building fronts and sides similar to the high visibility areas. There is siding along the front and the side. There is a stone element and a bump out and roof variations.

There was further discussion on the details of the architecture.

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Mr. Lipanovski went over the floor plans, Exhibit A-11, and there are walkways to the doors, one to the upper and one to the lower level unit. In the affordable home on the first floor is the Fairfield I (756SF two-bedroom) and the only model without a garage. The other two, Fairfield II (1003SF two-bedroom) (front facing) and is a two bedroom affordable home with a garage accessed from the home and Fairfield III (1252SF) is a three-bedroom two-story affordable home that also has a garage.

Mr. Lippitt asked about the rear elevation (along Hillcrest) and asked about not carrying the details to the front elevation. On Emerson Lane the details carry around.

Each of the two market rate models within a building have two levels of living space. Two family unit buildings are separated with common walls and are separated from adjacent two family units with a two hour rated fire wall. This is also the case for the affordable buildings. There will be automatic fire suppression systems and each will have in a closet to the side. The fire walls begin from the concrete slab all the way to the under side of the roof and extends four feet on either side of the roof.

The market rate homes are 72 two-bedroom units, and 72 three-bedroom units. In the income qualified units there are 32 two-bedroom homes, and 16 three-bedroom homes. The total of 104 two-bedroom homes, and 88 three-bedroom homes.

Mr. DiBianca asked if all of them had washer and dryers. They all have laundry rooms and or laundry closets.

Mr. Lindner again expressed that all the details would be nicer for all sides to keep the development feel throughout. Mr. Gallic mentioned that the revisions that have been completed on the plans are much more improved than what was originally presented and he appreciated the work.

The township consultant for architecture from Mr. Jeff Beer's office, Mr. Sean Mullican came forward and he gave his credentials and was accepted and was sworn in. He went over the memo from Mr. Beer, originally dated April 2, 2021, with latest revision of March 24, 2022. He said there was an outstanding item, the samples of the materials to be provided. There was a color of sage green that should be replaced also.

Mr. Lipanovski had samples and went over them. Exhibit A-12 was the affordable Fairfield samples and Exhibit A-13 were for the Norfolk and Yale samples. There was a shake sample, Exhibit A-14, the board and batten sample is Exhibit A-15, and the horizontal siding sample as Exhibit A-16.

The stone is a two-inch stone. Some of the roofs are metal and the metal is dark bronze. They were asked about the samples of the light fixtures. The applicant

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said they could provide them. A photo could be provided. They need to be compatible with Victorian grade.

Mr. Gallic asked if anyone had comments. It was also opened to the public. Mr. Jason Frushon came forward from 4 Northridge Way and asked about the rear elevation facing Emerson. He asked about the stone to about the bottom of the windows, about two feet high. Mr. Frushon felt the stone should go higher.

Mr. Frushon asked about the right out of the complex and was the traffic study done after that mandatory right was determined. They did update the traffic study after that and it was submitted to the county and the board. The township is responsible to maintain Emerson, it is a township road. He suggests they work on that road. There was discussion on who should maintain and fix the road. He asked would the road be widened. The town doesn't want to cause issue with homeowners and their driveways. Mr. Kastrud believed the applicant agreed to investigate how to widen or where to widen where possible. Mr. Gallic brought up if the road was widened into the proposal property development then it may cause variances to the building setbacks. It shouldn't be a problem because it is a 50 ft. right of way. The applicant had earlier agreed to mill it and re-pave it.

All wetlands will be in a conservation easement and it will be public due to that. The community will not be a gated community.

There was discussion on parking and they have more parking than required. Residents still have concern that over flow parking will go their streets. Mr. Frushon asked if the construction entrance is still going to be Emerson. They did say most likely it would be Emerson; Mr. Frushon asked it to be Hillcrest. There is concern with large trucks and pedestrian traffic. The sales office will be off of Emerson.

Mr. Chadwick reminded all that they will have to have some affordable started after the 25 percentile and will also be building off of Hillcrest then. Mr. Frushon asked about the mixing of the affordable housing throughout the development. That was not proposed.

Ms. Diane Hamilton from 8 Emerson Lane asked about the telephone poles on Emerson. Will they go below ground, they will not. Utilities within the development will be below ground. Mr. Ciliberto, the applicant's engineer, went over where the utilities will come in. The boilers or furnaces are contained within the living space and they went over the locations in the different units. There are no basements or crawl spaces. There is access at the top floor (attic) for emergency access and is not intended for storage.

Mr. Robert Long came forward from 2 Northridge Way. There was a question on curbing on Emerson. Mr. Ciliberto said there will be no curbing on Emerson. It will not affect the snow plowing. The landscape that will be planted will be able to

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take it. Mr. Long asked about noise abatement during construction. Mr. Chadwick stated the town has regulations on time of the day work is permitted.

Mr. Long also asked about the dirt and dust airborne and going onto the properties. The applicant stated they have a permit that will be issued by Somerset Union Conservation District that regulates and inspects the property during construction.

There will also be a community manager on the site and that person's phone number can be provided to the neighbors.

Mr. Kastrud, the Township Engineer, gave the hours of construction, is Monday to Friday 7 a.m. to 5 p.m., Saturday 8 a.m. to 5 p.m., with no construction on Sunday or holidays.

Ms. Lisa Raupp from 1 Northridge came up and asked if it is real stone. It is stone veneer. The areas for recreation within the development (and proposed only for residents in the development use) but many cars are added to the roadways. She was sworn in. This development impacts the neighborhood and she doesn't care for the limit from the general public for the recreation areas.

Ms. Raupp asked if there was a potential starting date for construction. It depends on getting all approvals, most likely next year. She asked about the condition of Emerson and that is very poor and not flat. The township has patched it many times. They will not re-pave before construction.

She also brought up the concern about all the affordables being in the same area. Mr. Gallic said that is an open issue still. The settlement agreement does state it can be built that way. The planning board is not a party to the settlement agreement.

Mr. Jason Frushon came forward again and asked about the underground utilities. The design for utilities is mostly done by the utility companies. Mr. Frushon asked Mayor Sordillo if there are no underground utilities going under Emerson, would the town commit to paving the road prior to the construction. Mr. Steve Warner, the board attorney, suggests the question is for the Township Committee meeting and not at the Planning Board.

No further public had questions for the architecture.

Ms. Andrea Hopkins, landscape architect for the applicant, was sworn in and she gave her credentials and was accepted. Ms. Hopkins referred to Exhibit A-2 and brought in Exhibit A-17 a cross section of Hillcrest Road to Building 1, and A-18, cross section of Emerson Lane to Building 12.

Ms. Hopkins gave an overview on design priorities, they want buffering and screening, visual impacts, diverting and maintaining privacy from within the site

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and offsite. Also there are aesthetics and visual contexts. They want native plantings and a variety of plant placement and layering. There is strategic infill used to optimize existing vegetation.

She went to Exhibit A-2 to go over areas of where they proposed landscape. There is a variety of trees and size. Some American Holly, some blue spruce, and eastern red cedar, and some understory layer of ink berry and bayberry shrubs. The count is requiring they remove some shrubs near or in the right of way. They need to see what is left and work with the Township on ideas for optimal screening. There may be some plantings moved around.

Ms. Hopkins spoke about the berming in the area that can be done but not using berm that is too high. They could increase the plant height instead of having a berm that might not support plantings. She spoke about site lines and possible plantings. She spoke about the height of plantings, how quick some plants will grow and the buffering of buildings. The evergreens will be 10 to 12 ft. plantings. The deciduous are various sizes and are on the plan.

She feels it is best to limit the height of a berm to two to three feet. The success of the plants go down as the height of the berm goes up. Mr. Chadwick suggested to leave the berm decision until the rough grading is in place and what is left after the required clearing. Mr. Jim Mazzuco, the township landscape architect consultant, was sworn in, Final landscape decisions can be subject to the review and approve of the township professionals.

There was further discussion of plantings and deer resistance, and the range of height that plantings and branches will be. There is no irrigation proposed.

Mayor Sordillo asked about providing some pictures of the different proposed trees, including the flowering trees. Mr. Gallic asked about proposals outside of the Hillcrest side. There is still a variation along Emerson and there are some existing trees but will also need to see what to do when cleared out of the undergrowth etc. She went over the landscape within the development proposed.

Along the back of the existing residential homes on Emerson, (lot one and lot three) will have an added layer of shrub layer at a variety of sizes, from two to three feet and to four to five feet. There are some trees also. The goal is to layer with tall trees and lower shrubs and evergreens.

Mr. Mazzuco discussed irrigation and an issue of over watering. The first two years there should be watering.

They do not have an inventory on what is existing so they will need to do an assessment when it is cleared. Mr. Gallic asked if there is a value in a fence or a visual fence on the Hillcrest side. Mr. Mazzuco does not feel there is as it is only a six-foot fence and the buildings are taller.

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Mr. Mazzuco referred to his January 20, 2022 memo and item 18 with the grade change between Emerson and Hillcrest. Initially the top part of the building will be visible from Hillcrest.

Mr. Gallic mentioned seeing the color of the plantings along the ramp and Hillcrest. Ms. Hopkins said there is some space issues (not enough). There is a retaining wall also. They discussed plantings along the wall. In some areas the wall is 8 ft. Mr. Gallic hopes they can add something there to be a little more pleasing.

Mr. Gallic opened to the public. Mr. Jason Frushon came up and asked about the recreation. There is a tot lot and some fitness stations. Mr. Caniglia said the areas would be private.

Mr. Robert Long came forward and asked who is responsible to watch the plantings. It is the developer for the bond period, it is a two year guarantee. It was suggested that pictures be provided to the board on the plants and flowers.

Ms. Diane Hamilton came up and asked how many feet from the edge of the pavement to landscaping. There is a 50 ft. setback to the buildings.

Mr. Gallic asked if anyone else from the public had questions. This portion of the meeting was closed. The hearing is carried to April 11, 2022 at 7:30 p.m, with no further notice and an extension was granted by the applicant through the end of April.

■ **SCHEDULE OF NEXT MEETING: April 11, 2022**

■ **ADJOURNMENT**

Mr. DiBianca made a motion to adjourn, seconded by Mr. Lindner. All in favor.