

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
April 11, 2022  
APPROVED**

**CALL TO ORDER**

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

**ROLL CALL**

Mayor Sordillo (excused)	Mr. Pasi (excused)
Committeeman DiNardo (excused)	Mr. Scuderi
Mr. Gallic	Mr. Esposito
Mr. Toth	Mr. Lippitt
Mr. Lindner	
Mr. DiBianca (excused)	
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:**

March 23, 2022 and March 28, 2022

Motion was made by Mr. Lindner, seconded by Mr. Toth to approve the March 23, 2022 minutes. All in favor

Motion was made by Mr. Linder, seconded by Mr. Lippitt to approve the March 28, 2022 minutes. All were 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** Mr. Gallic opened this portion and seeing no one come forward closed this portion of the meeting.

■ **CORRESPONDENCE**

■ **PUBLIC HEARING agenda items**

**PB20-03 K. Hovnanian North Jersey Acquisitions, LLC**  
Block 208 lots 4 & 10  
The Hills at Warren  
Preliminary and Final Site Plan

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Mr. O'Grodnick came forward as the attorney for the applicant. He submitted some hand outs, Exhibit A-19, six pages of the proposed plantings. He went over the application. The application is in accordance with the Township's Fair Share obligation pursuant to the settlement reached in the Mount Laurel litigation. There are two bulk variances with one concerning three patios that are within the 50 ft landscape buffer, and one concerning two parking spaces in the 50 ft. landscape buffer. The applicant would agree to remove those variances, but ask them to consider the variances.

Mr. O'Grodnick introduced an attorney, Tracey Sebolt, a counsel for K. Hovnanian. The architect, Joel Lipanovski, Andrea Hopkins, landscape architect, and Peter Ciliberto, the engineer were also present. Ms. Hopkins has some pictures of the plants, and the applicant has submitted (lighting) fixtures to Mr. Beer. The HOA fee structure table was submitted and it represents a 54% amount compared to the market rate units.

Ms. Sebolt spoke about the HOA stratification table. It is based on the size of the units. There was discussion on capitol expenses at developments. The numbers on the table are not from a budget on this proposed development, a budget would get improved. Exhibit A-20 was brought in, the stratification table. Ms. Sebolt said they will do everything in this community on a prorated schedule based upon the size of the units. It must be an objective measurement. Mr. Lindner pointed out that it is the same price per SF for the units. It is a smaller unit.

Mr. Chadwick observed that it is at least a recognition of the sizes of the units and we have seen other developments that don't do that.

Ms. Andrea Hopkins came forward, the landscape architect. She was still sworn in. She spoke about the Emerson Lane buffer and she brought the handouts, Exhibit A-19 so the board could see what the plants looked like. They also went over Hillcrest Road and showed the pictures for many of the proposed plants. There is significant buffer at the Berkeley Heights property line.

Mr. Chadwick mentioned that they had agreed that after the site had rough clearing done, there would be an inspection by the landscape architect and perhaps Mr. Chadwick. They agreed. The county is going to require removal of some trees along Hillcrest.

Mr. Gallic opened this portion to the public for landscaping. And also any comments on previous testimony during the previous meetings.

Mr. Jason Frushon from 4 Northridge, came forward. He was sworn in. He is completely against the development, including construction entrance, use of the facility (not public), and maintenance of Emerson Lane. He moved in in 2018 and right after received a letter about this property. He might not have bought if he knew.

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Ms. Deborah Walling from 3 Northridge Way came forward and she feels like Jason and she moved in December 2018. She is concerned about accidents when trying to get out onto Hillcrest.

Ms. Diane Hamilton came forward from 8 Emerson Lane. She was sworn in and strongly opposes this. They bought their land from the farm and has been there a long time.

Mr. Joe Farro came forward and was sworn in. He asked about landscaping and doesn't want too much landscaping; it may become overgrown. He was also concerned with the amount of fill and the trucks up and down the roads and will take a toll on the roads. He would require more traffic lights over there. He is not against the project.

Mr. O'Grodnick said they have met with the county and they will require at least one more light (on top of the Emerson/Hillcrest signal). Mr. O'Grodnick said they have been working for years with the Township professionals to try to make this project attractive. The Township entered into the settlement agreement by adopting a housing element plan, by identifying the site and site suitability section of the element, by rezoning and adopting the zoning ordinance. Mr. O'Grodnick said they feel the benefits are clear, the project will make a major contribution to the Township's affordable housing obligation, which ultimately reduces future development. This is a higher set aside than many towns. These are 50 year deed restrictions rather than 30 year. The project provides safe, affordable dwellings to very low, low and moderate households. The project has been designed in close collaboration with the township professionals and it has been re-designed three or four times. The architecture has been greatly enhanced. He asked the board to approve this application.

Mr. Gallic asked if any professionals had questions, or if the board had any questions. Mr. Michael Silbert, who is an attorney for the Town and its Fair Share Housing portion of this application. He went on to say that the agreement explicitly permits this project to provide moderate and low income units in buildings containing only low and moderate income units. The settlement agreement also provides that all affordable units be included in the same HOA as the market rate units. He asked the board to abide with the settlement agreement and if not it may adversely impact and ultimately jeopardize the Township. There has been a compliance hearing and the township was approved in its progress.

Mr. Warner suggested that they hear the conditions and went through them. The affordable housing units will be in compliance with the UHAC regulations. The approval would be subject to approval by Berkeley Heights for the element in Berkeley Heights with a document in writing. It is subject to water and sewer access. There was a discussion on the Berkeley Heights board or authority. The settlement agreement states that the Berkeley Heights portion will remain in its natural state. Mr. Warner stated that it is normally required.

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The subdivision/lot consolidation deeds will be reviewed and approved by the Township Engineer and attorney. Requisite Master Deeds and Sub-deeds, and HOA documents are subject to review and approval of the Township attorney. Compliance with Electric Vehicle charging stations and make-ready spaces will be required. Pathway along the wetlands and buffer area will be subject to the review and approval of the Township Engineer. Triple-pane windows will be provided for compliance with noise regulations. New Jersey Service connection to Valley View Road will be completed. All items in the professional memos and fencing around the retaining wall for safety purposes are required. Soil will meet the dirty dirt requirement, subject to review and approval of the Township Engineer. Emerson and Hillcrest intersection will be signalized at the cost of the applicant on or before the issuance of certificate of occupancy for 30% of the development. The site entrance at Hillcrest will be right-in, right-out only. Road C buffer should be increased subject to review and approval of planner. Add vegetation to the buffer to the tree preservation area. There will be an HOA restriction prohibiting the parking of RV, commercial vehicles, boats, and trailers. Title 39 enforcement of the project. There will be Belgium block on the corner lot and they will widen Emerson Lane. Installation of sidewalk along the full Emerson Lane frontage, if permitted by the county. Milling and re-paving of Emerson Lane at the sole cost of the applicant, and repaired to Township standards. HOA fee for the affordable housing units to be subject to the stratification provided in Exhibit A-19. Landscape along Hillcrest Road is subject to the review and approval of the Township Planner. Landscape will be subject to the Township Planner. The lamps/lighting--it is agreed to increase the size of the lights within the development. They agreed to the Fire Official's requirements, including the memo dated February 11, 2022. It is Preliminary and Final Site Plan and subdivision by lot consolidation. There are the bulk variances for the patios and the parking in the setback buffer areas. There is relief requested from the RSIS sidewalks on the total interior.

Mr. Lindner is concerned with the interior of the development with vinyl siding. He is not happy with the architecture level and that the interiors don't have the same treatments.

Mr. Kastrud talked about a Watchung Heights Avenue right of way and that will need to be vacated officially by the Township Committee.

Mr. Gallic asked if there were further questions or comments. None were given. Mr. Gallic went over how he felt about the proposal. He is looking at how this will impact Warren Township as a whole. He said there should be equity and it has not been done, with the affordable housing all in one section. He feels it could be easily integrated. He understands that the township entered into the settlement agreement of which the planning board is not party to. The planning board looks at the details, such as curbing, and paving, etc. He knows this intersection is dangerous. He supports the light (he does think there should be a left hand turn lane). He feels the architecture has increased significantly since it was first submitted. Mr. Gallic would like an inclusionary planning element.

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Small changes could be made and he is not in favor of this application. He would like that the sewerage pump station not be by the existing two homes. He feels those two property owners should have been enjoined into the property and it would be a better plan. The traffic concerns and disturbances to the neighboring properties are significant even if temporary. He feels it may be a chance for the court to allow the planning board to engage in the details and respond back in a positive way.

Mr. O'Grodnick asked to hold off on a vote that evening. He did say that denial would cause a breach of the settlement agreement. Generally, boards have a discretionary function. It is limited as to if this application is consistent with the settlement agreement. Two boards that Mr. O'Grodnick knows of have denied COAH applications, one in East Brunswick and one in Hillsborough. Both times the courts were heavy handed in their response. The Township pays legal fees and costs.

Mr. Warner asked to enter into Executive Session and the applicant did not object. A motion was made by Mr. Toth, seconded by Mr. Lindner to go to executive session. All were in favor. They went to the judge's chambers.

They came out of Executive Session briefly and Mr. Warner asked to go back into Executive Session briefly. They came out of executive session. Mr. Warner said the applicant wishes to make a modification to the application and it will require some additional testimony, then the board could deliberate and vote. It was decided to carry the application to the next meeting on April 25, 2022 without further notice.

**PB 19-13A Chase Partners Site** Preliminary and Final Amended Subdivision  
Block 85.01 1, 2, 3 & 4 (which became 1.01, 1.02, 1.03 and 1.04)

Mr. Keith Davis, attorney for Chase Partners, came forward. He went over the subdivision and described it. The application was already approved and the resolution adopted October 26, 2020. It allows applicant to establish 115 townhome units with 8 affordables (Pulte Homes). And permits two buildings with 220 apartments units (Chase Partners). It is an inclusionary development pursuant to a Mount Laurel Settlement agreement. There will be 67 affordable units. The subdivision has been perfected and construction has commenced. They will re-subdivide four of the lots because NJDEP requiring an execution/recording of a deed as to certain aspects of the property. They propose the lots be re-configured so the deed notice is only encumber one lot, which will be the future apartment lot.

Mr. Davis brought up Mr. Ron Kennedy, the applicant's engineer, to go over the lot line change. Mr. Warner had reviewed the notice and swore in Mr. Kennedy as well as Mr. Chadwick, and Mr. Kastrud. He went over the SF and locations and brought in Exhibit A-1 with the colored areas portions that will go to the larger

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multi-family (lot 1.02). It is not to the hotel lot it is to the apartment lot. All site improvements remain the same. Mr. Chadwick is fine with it. Mr. Kastrud stated that the Amended final plat will need to be recorded and filed. The applicant stipulates to the township reports/comments.

The board had no questions. This was open to the public. No one came forward and Mr. Gallic closed that portion of the meeting. Mr. Warner stated all the previous conditions will remain and the applicant agreed.

Motion was made to approve the application by Mr. Argiro, seconded by Mr. Lindner.

Roll Call

For: Mr. Toth, Mr. Argiro, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mr. Lindner, and Mr. Gallic.

Against: None.

■ **ADJOURNMENT**

Motion was made by Mr. Gallic seconded by Mr. Lippitt to adjourn. All in favor. Meeting adjourned around 9:05.

**SCHEDULE OF NEXT MEETING: April 25, 2022**