

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES**

7:30 p.m. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard

July 26, 2021

APPROVED

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL

Mayor Lazo (excused)
Committeeman DiNardo
Mr. Toth
Mr. Lindner
Mr. DiBianca
Mr. Argiro

Mr. Scuderi
Mr. Esposito
Mr. Pasi
Mr. Villani (excused)
Mr. Gallic

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 14, 2021 on the Township bulletin board and sent to the Township Clerk, and The Echo-Sentinel 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.

Mr. Gallic, the board chairman, went over procedures for hearings. There is the presentation period by the applicant and professionals, then discussion by the board and township professionals. It can be lengthy. The public questions are first addressed and then comments later.

■ **APPROVAL OF MINUTES:**

June 28, 2021

ROLL CALL

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

Roll Call

All were in favor.

Reports:

Alan Siegel, Esq.

John T. Chadwick, IV, P.P., Professional Planner

Christian Kastrud, P.E., Professional Engineer

Maryellen Vautin, Clerk

No Reports.

■ **CORRESPONDENCE** None.

■ **CITIZENS HEARING non-agenda items.** No one came forward

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■ **RESOLUTIONS**

PB 21-06 Mt. Bethel Baptist Cemetery
B 37 L 10.01
Minor Subdivision- Two Lots

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

Roll Call

For: Committeeman DiNardo, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca,
and Mr. Pasi

Against: None.

Public Hearing:

PB 21-03 BCUW/ Madeline Partners, LLC

B 83 L 4

Preliminary and Final Major Site Plan – Special Needs Housing

John Wyciskala, attorney for the applicant, came forward and introduced himself. He addressed the notice that was sent by his law firm to the 200 ft. notice and the newspaper. The certified list was issued by the Township. He believed the list and the content of the notice meet the requirements of the statute notifying the public of the proposal of a 36-unit, 100% affordable housing project for special needs adults. He believed all requirements had been met and ask that the board accept jurisdiction to hear the application.

Bruce Afran, attorney for opposing party, Mr. George Vetter and Ricardo Oliveira-Pais who live adjacent to the property came forward. He said that the notice was not received by Mr. Vetter until Friday, July 23, 2021, and Mr. Pais did not receive any notice. Mr. Afran stated that the notice referred to the property as a Special Needs Facility with a number of units to be built, and related improvements. It did not describe the sewerage waste treatment plant that is one of the structures to be built. It did not describe the effluent field which will absorb the discharge from the sewerage waste plant. Many people may not object to a special needs project but would object to a sewerage waste treatment plant in the neighborhood, and the effluent field in the middle of the development. The community is entitled to know these issues.

Mr. Afran said it will be shown later that the township purchased the subject property for preservation purposes in 2000. Mr. Afran said it should be described and not be put under the catch all phrase “and related improvements.” Some may not go to the town hall to see the plans if they don’t know about the other

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structures. If the board should approve the plan, it may go to court and the court might reverse an approval because of a jurisdictional issue. He asked to adjourn and the applicant should be directed to re-notice.

Mr. Wyciskala believes the information in the notice meets the intent of the MLUL and is sufficient information to alert anyone reading the notice that the application includes buildings and improvements. There is water, sewer, driveways and all the items that are generally included in the development of a project.

Mr. Dan Gallic, the board chairman, asked the board attorney, Mr. Alan Siegel, to comment. There have been many court cases on the issue. There is a case, *Perlmart Vs. Lacey Township*, in 1996 and the court said the notice has to contain information that would inform the public of the nature of the application in the common-sense manner such that an ordinary lay person could intelligently determine whether to object or to seek further information, or to accept it as is.

Mr. Siegel continued that the board could hear the application, prepare a resolution, adopt a resolution, and then the opponents file a prerogative writ action challenging the action of the board based on this notice. Mr. Siegel did not know what a court might decide. He did not have time to review septic cases. The board should make a decision whether the notice was adequate or whether it would be better to act conservatively to request the applicant to give further notice and be more specific as to what is being proposed on the property.

Mr. Gallic asked if the board members had any questions. Mr. Argiro asked about the sewer system. Mr. Lindner spoke about the notice and septic systems in Warren. Mr. Pasi felt they should act on the conservative side. Mr. DiBianca said if they did not proceed that evening the applicant would provide more information in the notice.

Mr. Wyciskala thought that since there are some reservations by the board to go forward and they can wait and re-notice. The application will move to August 23, 2021 and the applicant will notice. The applicant gave an extension to the end of September 2021.

■ **SCHEDULE OF NEXT MEETING:**

August 9, 2021 and August 23, 2021

■ **ADJOURNMENT**

Motion was made by Committeeman DiNardo, seconded by Mr. Argiro to adjourn. All in favor. Meeting adjourned approximately at 8:00 p.m.