

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
August 14, 2023
APPROVED**

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL

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

Mr. Scuderi (excused)
Mr. Esposito
Mr. Lippitt (excused)
Mr. Dwyer

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 11, 2023, the Township bulletin board and sent to the Township Clerk, Echo Sentinel, and Courier Newser 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:**

July 10, 2023

ROLL CALL

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

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. Esposito, and Mr. Dwyer.
Against: None.

■ **Reports:**

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

■ **CITIZENS HEARING non-agenda items**

Mr. David Green came forward from 45 Sycamore Way and asked about the Master Plan. The Township Committee voted in April to allocate \$125,000 for the Master Plan.

Warren Township Planning Board
August 14, 2023 Minutes
Page 2

The Committee indicated that it was the responsibility of the Planning Board. He asked if they would put this out for bid and who the bidders might be and how the township residents can participate in the process.

Committeeman Lazo thought it would be put out to bid. Mr. Chadwick said the work is under the professional services agreement and it is not required to be put out to bid. Mr. Flynn, the board attorney, said they did have a resolution that authorizes the secretary and chairman of the board to sign that agreement with Mr. Chadwick on behalf of the Board. It is not in a public bid, Mr. Chadwick is the Township Planner and therefore, the Planning Board is permitted to appoint him to run the Master Plan Re-Examination and Master Plan update through a professional services contract.

There are many sections to the Master Plan and it may be broken out by sections. The last Master Plan was 2016, and there were also amendments to the plan. There was discussion on Census data and delay in obtaining the data.

Mr. Green has concerns on the new developments and impact on schools and roads.

The Master Plan work will probably take a year and a half.

Ms. Shelly Molnar came forward from 3 Stoningham Drive and she wanted to express her concern about awarding the contract for \$125,000 and they have had the same Planner for 40 years. She questioned the cost. She is concerned with an Echo-Sentinel article and the Chubb site and communications with a developer. She is concerned with a warehouse at the Chubb site and how it could be considered.

There was further discussion on the process and an ordinance being created as a result of a property with declaration of a property in need of redevelopment. The ordinance was not adopted by the Township Committee.

Mr. Lindner mentioned that the Planning Board has heard an application on the Chubb property for increased parking to bring in possible tenants. They have not been able to get tenants for about ten years. There has been dialogue with the owners on what they can do.

Ms. Molnar suggested the social media person send out information on what the Planning Board meeting will include. People don't always have the time to hunt to find the agenda.

Mr. Flynn asked if they wanted to consider the resolution for the contract on Master Plan. Mr. Warner had spoken with Mr. Gallic and they wanted the resolution on the agenda. The resolution authorizes the secretary and chairman to sign the contract on behalf of the Board.

A motion was made by Mr. Lindner to adopt the resolution, seconded by Mr. Argiro.

Warren Township Planning Board
August 14, 2023 Minutes
Page 3

ROLL CALL

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. Esposito, and Mr. Dwyer.
Against: None.

■ **HEARING/agenda items**

PB 23-04 Paternostro, Minor Subdivision 74 Morning Glory Road Block 65 lot 9, received revised plans June 16, 2023.

Mr. Lawrence Fox, attorney for the applicant, came forward. The application is a minor subdivision for one lot into two with no variances, the block is 65 lot 9 in Warren. There are some of the lots in Green Brook Township but no part of this plan has development proposed in Green Brook. They are scheduled for a hearing in Green Brook on September 11, 2023.

They have no objections to the Township reports submitted. They did notice the adjoining property owners. The lots exceed the lot size requirements and there are no variances. They will need approvals from Green Brook.

Ms. Cathy Mueller from Page-Mueller engineering will go through the application plan and was accepted by the board and was sworn in, as well as the property owner, Mr. Paternostro, and the Township Engineer, Mr. Christian Kastrud, and Township Planner, Mr. John Chadwick.

Mr. Flynn did review the notice, and although they were not required to notice as there are no variances, Mr. Flynn found the notice was sufficient, timely served, and served to all owners within 200 ft within Warren and Green Brook.

Ms. Mueller went over the plans. The lot in Warren is block 65, lot 9 and in Green Brook the lots 9 and 10 in block 98. The property has had different applications for subdivision, one for five lots, and one for three lots but those did not go forward. Ms. Mueller has been involved for those years. There is an existing house and detached garage, a long driveway, and a couple of sheds. The existing house is serviced by public sewer, and public water.

They propose a minor subdivision with the lot line pretty much in the center of the lots. There is a drainage swale on the southern property line. That will remain. The northern lot, is proposed to be lot 9.01 in Warren and the lot width is 102 ft. The lot width for the southern lot will be 122.8 ft.

The zone is R-20V, which requires 20,000SF minimum lot size, 100 ft lot width. The proposed lot 9.01 is (including the Green Brook portion) is 74,309 SF , the southern lot is (with the two Green Brook lots) will be 113,450SF. They meet all the bulk setbacks. The plans were revised June 13, 2023. The house setbacks are conceptual. The existing house has one EDU (sewer), and they will apply for another one. The utilities are shown to be underground. There are some small patches of steep slopes and they will not be disturbed.

Warren Township Planning Board
August 14, 2023 Minutes
Page 4

Stormwater Management will not be required to meet the major development requirements (under an acre of disturbance). The net increase of impervious coverage is 1365SF with the conceptual plan shown. There will be individual soil movement/lot grading plans. They will follow up with Health and apply to the Sewer Dept.

The site distances will be adequate and they will need Somerset County approval.

Mr. Lindner mentioned this is a different application since going from five lots down to two during the course of the revisions.

Mr. Kastrud went over his July 17, 2023 report. It is not a major development and the stormwater will be handled at the time of the building permit and the engineering soil movement. They will be required to submit metes and bounds if doing the subdivision by deeds. Also, if Somerset County requests dedications you may need revised plans. Ms. Mueller stated there was a right of way dedication that was already filed with previous applications.

Mr. Lindner asked if anyone from the public had questions, or comment to come forward. Ms. Diane Florey from 76 Morning Glory for the last 30 years came forward. Her property is directly south of the subject property. Ms. Florey was sworn in. Ms. Florey asked about the Green Brook Planning Board application on this property. It is the same application. Ms. Florey sold her rear lot to Mr. Paternostro probably 20 years ago and it is block 98 lot 9. Ms. Florey has a recorded perpetual deed restriction on that lot she sold against any development of any kind. Ms. Florey asked what prevents Mr. Paternostro from going to Green Brook and asking for more subdivision. There are serious drainage issues.

Ms. Florey is concerned that the two drainage culverts on the property, one to the south end and one on the north are not shown on the plans. They are on the property lines. They have not been maintained.

Ms. Florey was upset that many trees were taken down and the town did not do anything to prevent it. The inspector said they were all dead. She disagrees with that and feels they took down between 16 and 21 trees on February 22, 2023. Ms. Florey called that morning to send an inspector and at first the zoning office said he didn't have a permit. The next day she said they did have a permit. There is disagreement that the trees were all dead. There is no tree replacement plan. None of the trees are on the plan because they had been taken down. The neighbor across the street at 77 Morning Glory Road has standing water every time it rains since those trees were removed.

Ms. Florey said she knew that at some time there were wetlands on the lot. If you stand in the middle of the property, you will have wet shoes or water over your property. She felt that NJDEP should require a delineation of the wetlands.

The removal of those trees made the eyesore of the existing home and two outbuildings more visible. Mr. George Bilak came forward from 77 Morning Glory

Warren Township Planning Board
August 14, 2023 Minutes
Page 5

Road and was sworn in. Mr. Bilak used to live at the subject property. He pointed to where the trees were taken down near the house and outbuildings and pointed out the drainage culverts.

The eyesore diminishes the surrounding properties' value. There was discussion on demolishing the buildings or renovating the existing dwelling. The plan shows all the buildings to be demolished.

Mr. Chadwick mentioned that the applicant has 190 days from the publication of the resolution to file the subdivision. He can't file the subdivision if there is a nonconformity. He will have to apply for the demolition of the buildings. If the approval expires, they can ask for an extension of the approval.

Ms. Florey brought up the perpetual deed restriction in Green Brook again. She appreciated the notice they received. The trees were a variety of trees not Ash.

Ms. Florey pointed out on page 3 of the plans don't show the culverts. Ms. Florey asked about the checklist; Item 28, watercourse is not shown, and trees were destroyed so not shown and the contours (culverts not shown) (Item 31), no wetlands shown (Item 35), Item 41 about trees, Item 42 there will be issues with drainage. She believes there are wetland areas and they should be shown. The Township report from the health department stated the record shows the presence of wetlands and documentation should be provided with an LOI. She wondered if the field had been perc tested.

Ms. Florey also called zoning about a large stockpile of soil in February and there has been earth movement on the property. Ms. Florey was told that the Somerset Union Conservation District would take a look at this but Ms. Florey did not hear back.

Mr. Fox stated that the application for Green Brook are the exact plans as Warren. Ms. Mueller (applicant's engineer) said there were wetlands in the past and they got the permit to fill them. The lot is fairly wet but the presence of water does not indicate wetlands, it is the soils and vegetation type. They had delineated them through DEP and obtained the permit to fill them (maybe five years ago).

They will have a drywell and a drywell will collect a portion of the roof runoff and contain that so it releases more slowly. They have conceptual drywells on the plan. It will be finalized when submitting to the engineering department with the lot grading plans. There was discussion on putting a liner around the stormwater structures to hold the water and release it slowly.

Ms. Mueller said that the county (with the major subdivision) requested some of the trees along the road to be taken down in the right of way. They do not propose any tree replacement. The development behind Ms. Florey has a drywell that discharges towards the properties on Morning Glory, and there are inlets on Morning Glory Road and go to the south. Ms. Mueller said to the

Warren Township Planning Board
August 14, 2023 Minutes
Page 6

northern side there is no defined swale and it sheets across towards Morning Glory. Ms. Mueller said the swale is on the applicant's property.

A drainage easement was recorded for the south swale and they will update their plans to show it. It is unregulated and man-made. There was discussion on how to retain the water. They agree to maintain the swale on the south side. Ms. Mueller agreed to get the easement documents and get it to the Township Engineer.

Mr. Kastrud, the Township Engineer, had interest in the drainage ditch and if it is maintained and how it may affect neighboring properties. There will be perc tests required at the location of the drywells. The applicant may need to address at the Green Brook hearing about the drywell from the Green Brook development and inquire if it is working properly.

Mr. Fox reminded all this is a two (oversized) lot minor subdivision and no situation will be made worse and the water issue has been ongoing for many years.

Mr. Marlin Schwartz from 24 Sheurmann Terrace came forward. He was sworn in. He said with a rainy season or even the rain expected that evening, the flow behind his property flows for a few days and he feels bad for the people below him. He asked about the existing house and where will the new homes be located.

Ms. Mueller said conceptually they are 100 ft setback from Morning Glory. The existing house is 267 ft back. The builder could change where the house is as long as it is within all the zoning requirements. The builder will have to then submit to the engineering department, zoning, and construction. Mr. Schwartz is concerned about the house being too close to his home.

Mr. Chadwick said that the setbacks are in Warren, but the farther back the house is built it increases the costs with pavement, utilities, and there is no advantage to going to the Green Brook portion.

Mr. Robert Siani came forward and is the trustee of the property to the north. He was sworn in. He moved to the property in 1963 and it was before the 74 Morning Glory house was built. He believed part of the condition to build was there was to be a culvert and it was to be maintained. He believed the 74 Morning Glory home was built in 1964. Mr. Siani said the township told him the township had lost the records due to a fire. His mother has had issues and concerns for many years. He and his brother had to maintain this swale/culvert even though it wasn't on their property. It has not been maintained and is visible. Some trees have been removed. There has been earth moving equipment all over the property for many years. They have complained and given pictures to the township. He believes it has brought down the values nearby. He said it used to be hard clay when they

Warren Township Planning Board
August 14, 2023 Minutes
Page 7

were kids and now it is a swamp. Mr. Siani said the culvert needs to be maintained and needs to be part of the application

Mr. Kastrud agreed to go and look at the swale and is sure he never told anyone there was a fire. Mr. Siani mentioned the previous application and that it required this swale and that having it would alleviate some drainage issues. There was more discussion on complaints submitted and whether a swale does exist on the north side of the property.

Ms. Mueller stated the applicant was only aware of the swale along the southern side. The flow is to the north and the conceptual plans do not direct more water to either of the neighbors. They did lift the houses up a little bit so the driveways could go out to Morning Glory Road and not to the neighbors. They agree to maintain the southern swale.

Mr. Siani said there was an agreement to maintain the swale on the north and it was made many years ago. The swale is there but not maintained. If there is a condition of an approval they could also include it with this application.

Mr. Chadwick does not believe there was a planning board application for the house at 74 Morning Glory. There may have been a private agreement. The plan has to be revised to show these easements.

Mr. Kastrud addressed the northerly property line and the grading was a topic of detail in the previous applications. The road is not going to go along the property line (there will be driveways) so there is more space and the swale can be maintained.

Ms. Mueller said there is no defined swale along the northerly property line. Further discussion continued. There was a discussion on a flat bed truck on the property.

Mr. George Bilak came up again and he grew up on the property. He said that Ms. Florey's property and the dotted line is where the ditch is and it was over three feet deep to Morning Glory Road and there was one on the south side also. They have dumped stone and quarry process right on the bend of the existing driveway. There are two trailers on the property and a back-hoe. And there is dirt and it has moved all over the place. Mr. Bilak's property has so much run off from 74 Morning Glory and they have complained many times. He said that the water comes all the way from the back and across and goes over the road. It was perc tested once and it failed. The drywell will not catch the water from the property. Mr. Bilak believes the owner brought dirt in from a contractor, Porchetta, on the back of the area and spread it out. He believes it was a lot of dirt to change the grade. There was further discussion on the drainage across the street and a pond that has been filled with dirt.

Mr. Bilak spoke about the accessory buildings. There has been construction debris.

Warren Township Planning Board
August 14, 2023 Minutes
Page 8

Mr. Lindner asked if the dirt in the past and dirt currently there is part of the application now. Mr. Chadwick said they must describe what they will do with the dirt and buildings. Zoning should write a letter that the property is not in line with the property maintenance. They should investigate the north swale.

Mr. Bilak said the lot has always had water. It takes weeks for it to drain.

Ms. Mueller's plan cover sheet has the historic town topo. The plans detail design plan has the topo on the lot. She showed the natural drainage.

Mr. Bilak said there were wetlands on the property. The ditch needs to be maintained.

Mr. Lindner asked about the dry well and it is designed for the increase in coverage. There will be no increase in water. Mr. Bilak said more water will be pushed to the neighbors.

Mr. Toth asked about the overflow for the drywell and Ms. Mueller said it goes to the southern ditch, which then goes into the drainage in the road. Ms. Mueller said they did arches instead of concrete pits because arches are more shallow.

Ms. Kamari Debarbieri came up from 78 Morning Glory Road and the applicant's rear property is adjoining part of her property line. She was sworn in. Ms. Debarbieri has a well and has concerns of affecting their well. She also said that her front yard run off has dramatically increased since the trees were taken down in March. She has young children and they go across to Sunny Slope but after a rain comes down they can not cross the road. Also, Sunny Slope gets water. She mentioned the agreement with Ms. Florey for no construction in perpetuity. They moved to Somerset County so they would not be looking into the neighbor's windows. Hurricane Ida brought a lot of water through 74 Morning Glory through her front yard and flooded the basement and the driveway had to be rebuilt.

Ms. Debarbieri noted the ditch is visible on google maps called Drift Way between 74 and 76 Morning Glory, and the trees are on the maps.

Mr. George Iancu from 75 Morning Glory Road came up and he has lived there for seven years. He has noticed an increase in the last few years of dirt being brought in and moved around and increasing the elevation. Water comes from the property over Morning Glory Road. After the trees came down it increased the water runoff tremendously and dirt is eroding downhill. It is like a river going down Morning Glory Road. He feels his property will continue to erode. The water will increase with two homes. He feels that if the board approves this, then the Planning Board has to consider the other properties nearby for drainage.

Mr. Iancu also believes the increased water will freeze along Morning Glory Road. He has seen it ice over in the past few years. He is concerned about the construction vehicles parked on Sunny Slope Drive and taking things across to

Warren Township Planning Board
August 14, 2023 Minutes
Page 9

the 74 Morning Glory property; this blocks the entrance and road on Sunny Slope. His son rides his bike on Sunny Slope. He feels water will increase.

Ms. Diane Florey came up again and she feels the town is liable to allow all those trees to be taken down. She contacted zoning the day the trees were being taken down. An inspector was sent and it was reported that all the trees were dead. It is not true that most were alive. She strongly disagrees with the inspector. There was an increase of water to all the properties. The residents could apply for a class action suit. The town allowed it to happen and she doesn't believe the inspector.

She asked about the out buildings and that they are such an eyesore. Who do they contact about those buildings and being in disrepair. They should call Zoning. She was excited with the earlier five lot subdivision because it would have more drainage corrections and a roadway with a neighborhood. She thanked the board for their time.

Ms. Debarbieri came back up and wanted to know who she could email the shots on Google. She could send to Zoning or the Land Use Coordinator.

Ms. Florey asked what department is responsible for the trees. Mr. Chadwick said the Town has a tree ordinance. Residents do cut down trees without a tree permit. The permit was submitted for this property and the inspector said they were dead and Ms. Florey said that some of those trees were gone. Ms. Florey was upset about a tree replanting and how to replant 30-year old trees. Mr. Chadwick said the applicant will have to address the trees and replanting.

Ms. Debarbieri brought up the DEP and the letter stating they had not received an updated application since 2009. It was part of the packet for the meeting for that night.

The approval of this subdivision could be subject to obtaining that document, along with the Soil Conservation District, the Health department, and the DEP. Ms. Mueller said there are no DEP permits required. The applicant has the County, the Sewer Dept, and the Board of Health pending approval. This will all be reviewed and required for compliance review.

There was discussion on new DEP requirements and the subject application is not included as it is not a major development.

There was further discussion on the trees and the number of trees.

Mr. Flynn went through the conditions discussed. Outside agency approvals are required. Stipulations to Mr. Kastrud's memo, specifically Items 2 and 3 (number two is proper grading, demolition permits before any new homes would be built, engineering approval for the soil movements for each home, the township attorney would also review the subdivision. The southern easement on the property must be on the plan and the board will require maintenance of that

Warren Township Planning Board
August 14, 2023 Minutes
Page 10

easement. Mr. Flynn suggested putting a deed restriction for the conveyance of the lot. The township will investigate whether is an existing record of the northern swale. If one exists, it should be recorded in an easement and requires maintenance.

Mr. Kastrud added that there will be a perc test required to demonstrate that whatever solution is chosen for stormwater management it will function as designed.

Mr. Fox understands that the outside agencies' approval is required. They agree with the engineering memo, agree with the perc test, and if a swale is located in the northern property line area and pre-existed they agree to maintenance. Mr. Fox said they will do an investigation.

Mr. Chadwick asked that all the structures will be removed prior to recording the deed.

Committeeman Lazo asked about the trucks and tree issues can be addressed immediately.

Mr. Toth made a motion to approve the applications with the conditions noted. Mr. Lindner seconded the approval.

Roll Call

For: Mr. Lindner, Committeeman Lazo, Mr. Argiro, Mr. Toth, and Mr. Dwyer.
Against: Mr. Esposito

SCHEDULE OF NEXT MEETING

August 28, 2023

Pending applications

PB23-05 Chase Partners Preliminary and Final Site/284 King George Road, LLC Block 85.01 , lot 1.03 Hotel (carried from July 10). The applicant has requested to carry the hearing to August 28, 2023.

PB23-06, 30 Mountain Blvd Preliminary Site Plan with inclusionary housing, possibly September hearing, awaiting revised plans.

- **ADJOURNMENT** Meeting adjourned approximately 10:10 p.m.