

WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 p.m. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
August 23, 2021
APPROVED

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL

Mayor Lazo	Mr. Scuderi (excused)
Committeeman DiNardo	Mr. Esposito (excused)
Mr. Toth	Mr. Pasi (excused)
Mr. Lindner	Mr. Villani (excused)
Mr. DiBianca (excused)	Mr. Gallic
Mr. Argiro	

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 went over some of the procedures of meetings and reminded people that they could get up and look at plans during the meeting.

■ **APPROVAL OF MINUTES:**

July 26, 2021

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

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■ **CITIZENS HEARING non-agenda items**

Mr. Gallic opened the meeting to non-agenda comments or questions. No one came forward and this portion of the meeting was closed.

■ **RESOLUTIONS**

None.

▪ **Public Hearing:**

Courtesy Review for DOE/Watchung Hills Regional High School-courtyard lighting upgrades

Mr. Gallic asked if Mr. Kastrud, the Township Engineer, had any questions, or concerns on the project. It is lighting of an interior courtyard. No board members had questions. The board entertained a motion for the board clerk to send a letter to the board of education that the board had no concerns with the plan.

Motion was made by Mr. Argiro, seconded by Mayor Lazo.

Roll Call:

For: Mayor Lazo, Committeeman DiNardo, Mr. Lindner, Mr. Argiro, Mr. Toth, and Mr. Gallic.

Against: None.

PB 21-03 BCUW/ Madeline Partners, LLC

B 83 L 4

Preliminary and Final Major Site Plan – Special Needs Housing

Mr. John Wyciskala, attorney for the applicant, came forward. They re-noticed for this meeting. The Bergen County United Way/Madeline Partners, LLC are non-profit organizations and work to help build affordable housing projects for seniors, veterans, and individuals with physical, developmental, and intellectual disabilities. Over the past two decades they have developed over 34 projects providing affordable housing for more than 500 individuals. There are twenty projects, including this one that are in the works. This community is seriously underserved.

The organizations manage all aspects of their developments, including site plans, financing, construction, and service coordination. The proposal for Warren is a

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36-bedroom complex that is 100% affordable housing and independent living community for adults with special needs. The property is located at 188 Mountain Avenue, block 83, lot 4. The property is owned by the Township of Warren, it is approximately ten acres. The Township acquired the property in 2001, along with a number of other properties that were part of Wagner Farm. This particular subject property, block 83, lot 4, was not acquired by the Township with the use of any open space money. The property is not on the Township Recreation and Open Space inventory list (ROSI). It is not subject to green acres or any other preservation restriction. Township maps prepared in 2002 specifically show the subject property as being on unrestricted land and not a part of the open space inventory.

The property is located in AH-3 zone, and is part of the housing element and fair share housing plan. The Township entered into litigation for judgement of compliance of its third round housing obligation in 2015 and this specific property and this development of affordable housing for special needs adults is part of the settlement that Warren Township entered into with the Fair Share Housing Center in 2018, and was approved at that time with a fairness hearing before the court.

The Township has entered into a long term ground lease with the applicants to allow this development. Per the ground lease agreement all the units will be deed restricted with affordability controls and are set forth in the FHA regulations as well as UHAC requirements. They seek preliminary and final site plan approval and will have an engineer present the site plan. It will provide for much needed housing for adults with special needs that will be working at local businesses and support the local economy. There will be three witnesses, Gina Pitina, a BCUW/Madeline housing director of housing services and has been with them for over fifteen years. Another witness will be Mark Cifelli, engineer for the applicant, with PS&S, as well as Adam Stern, a professional engineer with Natural Systems Utilities and he will go over the design of the water system, and the waste water system. The project architect will come to a later meeting.

Mr. Siegel swore in all three applicant witnesses in, as well as Mr. Christian Kastrud, the Township Engineer, and Mr. John T. Chadwick, IV, the Township Planner.

Ms. Gina Plotino came forward and explained her roles. She strongly supports these developments. Before coming to the United Way she worked with Department of Human Services for Bergen County for over a decade. She is also a guardian of a sister, who is intellectually disabled and has been living independently with a great deal of success for the last four years. The proposal is for 36 units or bedrooms of special needs housing. The residents might be individuals with down syndrome, someone on the autism spectrum, cerebral palsy, or intellectually disabled. They are our brothers, sisters, and sons and daughters, the children of our next-door neighbors. Some of them are in the community currently. The six cottages proposed have one- and two-bedroom units. Some require 24/7 supervision and those who can live independently with

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some support. There will also be a community building and the design includes components that they know are most effective.

The community building will have a demonstration kitchen that can be used to develop independent living skills. It offers space for tenant meetings, for movie nights, outdoor barbeques with friends and family, and the kind of activities that build community among tenants. There is also enough space to welcome guests from the community who might want to offer their own services or expertise; yoga, a women's club, walking club, or community health nurse, or a pharmacist.

Ms. Plotino continued and spoke about the cottages. They will be very nice and look and feel similar to the community. There is space for those who have mobility challenges, durable furniture with rounded edges, or exterior lighting, and cameras for safety. The quality of the construction and the sustainability is why community after community invite them back again to build more.

The residents will come from the local community and neighboring communities close by. Close proximity to one's support system is essential. The vast majority of tenants do not drive. There will be some services providers that will visit the site, and there will be some shuttles for day programs and weekend activities.

They are working with some of the parents in the community and are in the process of interviewing potential service providers. They employ housing services coordinators and she (Ms. Plotino) supervises those staff members. They are here for the long term and their tenants are thriving. The project does help the Township fulfill its affordable housing obligation but it will also change lives, it is amazing to watch the growth and development of the tenants, but also watch the community embrace with pride what they never thought was possible. For aging parents with children with special needs it allows them to plan for a future for their children.

Mr. Gallic asked the board members if they had any questions. Mr. Toth asked if there would be any care givers living on the property. Ms. Plotino said some residents will have 24/7 assistance but they will provide in shifts and will not live at the facility. Mr. Gallic asked about Bergen County United Way and how they are involved in the project. Mr. Wyciskala stated that Bergen County United Way covers for Passaic down to Mercer. There is a beautiful project just opened in Florham Park. Ms. Plotino said they were invited by the Mayor to Warren Township.

Mr. Gallic directed attention to the check list and waiver requests. Testimony will be required and will be done with the applicant's engineer testimony.

Ms. Plotino went over staffing, there will be some 24/7 staffing and a combination of support services of daily living, medication management, as well as supervisors. There are nurses some days.

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Mr. Chadwick asked about the vans. There will be some residents that live independently and will participate in volunteer work, or a job. Mr. Gallic asked if vans would be parked at the site 24/7. Ms. Plotino suggested that would be unlikely.

Mr. Mark Cifelli came up for the engineering testimony. He was introduced and accepted by the board. They are asking for Preliminary and Final Site Plan approval. Mr. Cifelli went through the preliminary check list waiver requests. They have filed with the county now. Proof of submission to DEP for a GP 7 has been submitted and wetland interpretation also. They have copies of all protective covenants and they have submitted a title report now. Number 12 on the check list is done. Number 35-- all distances to the nearest intersection, they were not called out on the plans but no streets are nearby. Number 62 is loading spaces or docks including signage. There is a truck space by the sewer building. There is a loading space sign.

The final site plan check list waivers are similar-- Number 36 is that the final site plan complies with the preliminary and this is being approved at the same time. Number 13 and 14 are covered. Number 36 as built condition of streets and roads. Number 37 is again the distance of intersections. Number 37 is the loading spaces again. The board will be asked to approve or not approve the waivers being requested prior to any votes.

Mr. Cifelli went over Exhibit A-1 and some copies were distributed to the attendees. A-1 is an aerial of the existing conditions with the property line overlaid. The property block 83 lot 4 is 10.29 acres. This is based on the property extending to the Mountain Avenue center line. The applicant will provide a right of way to the town, which will decrease the size of the property to 10.03 acres.

The lot is in the AH-3, affordable housing zone, which allows for apartments, accommodates special needs residents. The adjacent zones are all residential in nature. To the west of the property is the Wagner Farm property and to the rear of the property is a cell phone tower and a single-family structure. To the north is Mountain Avenue and across the street is the Arboretum. To the east is a single-family property with wooded areas. The lot is currently vacant. There is some wooded area. At the corner of the property is a drainage inlet which collects run off from the property and the southern half of Mountain Avenue. It flows about 500 ft down the road to Cory's Brook, which then drains to the north into the Passaic River. There is no flood area on the property and it is in Zone X.

The site has some grade on it, it slopes from the south to Mountain Avenue. There is a 70 ft. elevation from Route 78 to Mountain Avenue. The average is 7% grade. It is steeper towards the back of the lot. Most of the development is towards the front and

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middle of the lot. It is serviced over head by electric, and there is no gas service, no water mains, and no sewer is along Mountain Avenue. Mr. Cifelli believes the nearest sewer is about a mile away.

Mr. Gallic asked if board members had any questions, no one did.

Mr. Cifelli put up Exhibit A-2, which is the Site Plan Rendering dated June 9, 2021 and was submitted with the application. It shows the surrounding property and the site. There are six cottages in a circular layout with the community building towards the back of the circular drive. There is also a well house and a sewer treatment building located at the south west section.

Each building has six units with five one-bedroom and one two-bedroom (corrected count is four one-bedroom and one two-bedroom). Maximum number of residents is 36. The cottages are one story with a front entrance and a porch. One floor is easier for ADA access. The cottages are centered around a small courtyard area.

Mr. Gallic asked about the one story and are there other developments that have multi story. Tom Toronto was sworn in and he is with the BCUW and has been for 39 years and is the president of BCUW. There are some multi-story buildings they built and when they do that they tend to mix populations, special needs with veterans, or seniors. For this proposal they wanted to minimize the impact visually. The community building does have an elevator. There is access to the inner courtyard from each building and concrete sidewalks around the edging. The center area is primarily a grass area with some minimal landscaping.

The community building overlooks the courtyard and is two stories. There is a ground patio area. The well house and the wastewater treatment building have emergency generators, and will be diesel with no natural gas access. There is a single entrance, a boulevard style, meaning it has a median in the center that provides one way in. You go right and it is one way around the circular. The parking complies with RSIS. Mr. Gallic asked about alternative access for emergency vehicles. The boulevard entrance can be used to come in on the outgoing drive. There is a gravel driveway next store but there is a grade difference. There is a retaining wall proposed also.

There is a monument sign that will be mounted to a retaining wall that runs along the front of the property. The sign will have lighting, as well as a flag pole. On the side of the entrance driveway there are detention basins/ponds and are part of the stormwater management. The two ponds are interconnected. The basins will have aerator fountains in them to prevent algae and are also used for fire fighting measures. The overflow goes to the outlet control structure. The emergency spillway (each basin has one) drains toward the roadside swales. The patterns that are there now are going to be maintained.

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There are existing wetlands located in the roadside swale, which is about 10 feet wide. A DEP general permit is required. The driveway crosses that swale. Mr. Cifelli spoke about the parking., There are two handicapped stalls near the entrances of the buildings. There are ramps with hand rails and are ADA compliant designs. There are a total of 50 parking spaces. One space is handicap van accessible, and they meet all ADA parking requirements. There is some extra spacing near the community building. A large truck can come the loading area.

Mr. Gallic asked if there was a reason the pump station and generator are on the east side instead of the west. There was some thought to keep the buildings 200 ft from Route 78.

There are two trash enclosures designed in accordance with the Health Department ordinance. On the east side there are fire retention basins (3) with water tolerant species, with buffer plantings.

Dan asked about the stormwater calculations and they have been submitted as well as the maintenance manual.

There is a half-court basketball and some benches throughout the property. There is a retaining wall in front of building A and C that is about 4 to 5 feet. There is a primary well and some back up wells.

There are no proposed variances to the standards. The number of units minimum number is 32 units and they propose 36. Mr. Gallic asked about the number of units and were they all affordable. They are and Mr. Chadwick said that these are not age restricted so you get one for one. If you had to provide 36 units in an inclusionary development, would generate 350-360 total units. There are two developments that the town could maximize the credits. This one and the Pirhl Development off of Linbergh.

The front yard set-back required is 75 ft and they propose 307.1 ft. The accessory structure is 261.4 ft from property line. All setbacks exceed the ordinance.

Mr. Gallic called for a break at 8:50 for five minutes. Mr. Gallic called the meeting back into order.

Mr. Wyciskala told the board about why there are two dumpster locations. It is to encourage independent living and putting the garbage out.

Mr. Cifelli spoke about the grading and ADA compliance. The road grades start at about 6% at the entrance and flattens out for the parking, some are over 2%, the top of the site is a little flatter. Drainage is directed to the west and to the east on another portion. Stormwater flows to retention basins. East side handles water quality and recharge. As much as can go to the fire retention will go there. The

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west side will utilize a manufacture treatment device (MTD), a Uterra, a precast concrete structure (and will provide 80% TSS).

Mr. Lindner asked what fills the concrete underground cisterns for fire. They are underground and are filled with well water, once filled there is minor evaporation. There are emergency spillways. Roof leaders are underground to the fire retention. The O&M manual for stormwater should be recorded. Committeeman DiNardo asked about the amount of water runoff and the design capture will limit the water runoff that is currently in place. They capture most of the water runoff with the stormwater design. A two-year storm is reduced by 50%, the 10-year storm is reduced by 25%, and the 100-year storm is reduced by 20%.

The utilities are well water, there will be sprinklers in the buildings served from a tank in the basements. There was soil testing to determine the locations of the wells. The sewer is a mile away. There was testing for sewer water after treatment also. Each building has an ejector pump and is pumped slightly uphill. The waste is treated and then the excess effluent is pumped back into a field in the center of the development and dissipated. There will be electric service. Onsite electric will be underground.

The landscape will include foundation plantings around each building. There are ornamental grasses and some smaller trees in the courtyard. There are street trees proposed. There are water tolerant plantings in the bioretention areas. There are evergreen buffer plantings along the property line. They are over 80% native plants.

The lighting includes 16 ft. pole lights by the perimeter road with a downward facing traditional fixture with minimum light trespass to adjacent properties. On the inside of the loop road there are lights with no light trespass at the property lines. All the lights are dimmable and time controlled. Exhibit A-3 was brought in, Lighting Plan, which is sheet C-12 of the plans and C-13 is the details for the lights. They are LED and energy efficient. The light is 16 ft, and pole is 15.5 ft. The lighting does not get much past the road of the development. There is lighting on all sidewalks and roadways, downward pointing. It is a flush mount.

Mr. Chadwick said they could put shields or paint one side on the lights if needed.

Mr. Gallic asked if there were any more questions on lighting. There were none.

They started with Mr. Christian Kastrud's memo. Mr. Kastrud asked about the bedroom in each unit and they clarified there are four one-bedrooms and one two-bedrooms in each cottage.

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The development is overparked and Mr. Kastrud asked if this is in line with the other sites used as comparison to other developments that BCUW has developed. It is in line with some of the other properties (assisted living). Mr. Kastrud asked about the larger vans and if they would fit in the ADA spaces. There is space in the loading zone. Mr. Toronto said roughly one in ten residents have a car.

Some providers are using sport utility vehicles more than vans, and they do fit in the spaces. Mr. Kastrud asked if needed the spaces (50). Mr. Toronto hopes the community can be involved and that for holidays there is enough space for families visiting.

The bioretention is on the east side and the MTD are on the west side. There are three of them and groundwater analysis was done. No buildings are near the basins. Mr. Kastrud spoke about the home on the northeasterly corner. It is about 105 ft. away from the closest corner of the home.

Committeeman DiNardo asked if there was any potential to go into the other property or impact water quality.

Mr. Kastrud went through his review letter dated July 22, 2021 which include the following below:

Metes and bounds description for ROW will be provided.

Number of dwelling units at 36

The well tests and fire repression will be discussed further along with sprinklers (tanks within the building)

Mr. Chadwick asked about the no generators on site. There will be two generators, one for well and one for sewer treatment. Mr. Kastrud suggested the generator be put on the southerly side of the plant.

DEP permits will be submitted to the engineering department.

Investigate if the site triangle easements might be in the ROW. It will be corrected if necessary.

Mr. Kastrud suggests the location of the utility pole that is planned to remain along the boulevard entrance be moved. The applicant will discuss with the utility company.

The flag pole will be 25 ft. and lighted.

The identification sign will be on the retaining wall and no sign on roadway. Concrete curb is being used inside the site instead of Belgian block. They will consider the change to Belgian block.

The gravel drive to the property on the west and straddles the property line, who will re-align (the applicant).

Is the pipe and inlet on Mountain Avenue in the northeasterly corner of the property that the stormwater ties into runoff adequate. The applicant needs to look into the capacity of the pipe further.

The applicant agrees to correct some of the technical issues.

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Could they limit some of the clearing that would be worthwhile- they will look into the types of trees and saving some.

Mr Kastrud item 3-16 asked about the fill. Mr. Cifelli said there will be about 20,000 cubic yards of fill to raise the site to get to ADA compliance. It is a lot.

The applicant agrees to suggestions on the water tight pipe and clay core.

Mr. Chadwick asked about the utility building in the back and will like to see an elevation with the pump house and the utility building.

Mr. Gallic opened the meeting to the public only for engineering questions.

Mr. Alexander Weisberger from 135 Stirling Road asked about guaranteeing a six foot water level in the front two retention ponds. It is a six foot level on a regular basis, there is a control structure during storm surge. There will be a liner so not as much evaporation. Mr. Weisberger wanted to make sure the depth level was not for aesthetic purposes. It is not for aesthetic purposes.

Mr. Stephen Sacks-Wilner, attorney for Mr. George Vetter, asked about the parking. There will be some staffing 24/7 and other rotating hours. He asked how they arrived at the number of parking spaces. Mr. Wyciskala said it was based on similar settings that RSIS does have numbers for and it is within their suggestions.

Mr. Gallic suggested at a later meeting to be more specific with what the maximum staffing levels might be. Residential Site Improvement Standards (RSIS) dictate a lot of rules one of which is parking. The proposed use is not spelled out in the RSIS, so they used assisted living as it is the closest use.

Mr. Sacks-Wilner asked what the typical use of emergency services are for this use. Mr. Toronto said there is no increase in fire, police, or emergency response for this use as compared to other uses with the same number of residents.

Mr. Sacks-Wilner questioned the statement that there are no protective covenants or deed restrictions as it is right next to a deed restricted property. Mr. Gallic said that will be addressed in later testimony. Mr. Chadwick stated that the file shows the lands that are restricted and not restricted and the map is in the file.

Ms. Jennifer Nuzzi from 4 Loren Way asked about the ponds/retention and will they be contained. She feels it was not a definitive yes that they would be contained. She is concerned because the property now has water from it across the road and there is ice in the street. It will be an icy mess she feels and the children's garden across the road and will get the water, and there are hundreds of kids going to the garden. She is concerned due to (possibly) many people/residents using medication. She feels it may contaminate soil. It is storm water not sewer water.

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Mr. Cifelli went over the storm reduction and elevation of the emergency spillway controls anything larger than a hundred-year storm. In this case it is a reduction of 3-year storm of 50%, 10-year would be 25%, and 100-year storm will be 20%. Ms. Nuzzi feels there will be a lot of water coming down and she has children in the district. There will be less water coming off of the property. Ms. Nuzzi still has concerns.

Mr. Roger Malick from 191 Mountain Avenue asked about it not being feasible to tie into the sewer lines. The existing sewer he measured as being less than a half a mile away from the new development by Exit 36. The sewer is not existing yet there but the applicant will investigate the possibility. Mr. Gallic suggested to get an estimate cost of hooking up to sewer.

Mr. Joe Farro from 3 Sage Dr asked about the lighting and felt there was not enough. The engineer went over the lighting, 36 lights at 16 Ft high and 14 bollard internal lights to fill gaps for roads and sidewalks.

Mr. Robert Corcoran from 144 Mountain Avenue asked how many service vehicles are typically used at the other developments. Plumbers, electricians, etc. will be required at the site. Mr. Toronto said it will be like any other developments as well as landscapers, snow plows. There will be no traffic signal required.

Mr. Gallic asked if they could give the number of trips required (going in and out). The applicant looks at the max trip hours when they do traffic studies and they can look at that and give information.

The staffing will be more clarified (numbers of staff) at a later meeting. There is no mass transportation in the area. Mr. Corcoran has concerns about the size of vans. Mr. Toronto suggested a ten-passenger shuttle van could be used or a smaller vehicle. Vans pick up and drop off.

Mr. Gallic asked to finish up as it was 10 p.m. The hearing will be carried to September 13, 2021, with no further notice. There will be a minor subdivision also on that meeting agenda.

■ **SCHEDULE OF NEXT MEETING:**

September 13, 2021 and September 27, 2021

■ **ADJOURNMENT**

Motion was made by Committeeman DiNardo, seconded by Mr. Lindner to adjourn. All in favor. Meeting adjourned at 10:05