

**WARREN TOWNSHIP PLANNING BOARD**  
**MEETING MINUTES**  
**7:30 p.m. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard**  
September 13, 2021  
**APPROVED**

**CALL TO ORDER**

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

**ROLL CALL**

Mayor Lazo  
Committeeman DiNardo  
Mr. Toth  
Mr. Lindner  
Mr. DiBianca  
Mr. Argiro

Mr. Scuderi  
Mr. Esposito  
Mr. Pasi (EXCUSED)  
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.*

■ **APPROVAL OF MINUTES:**

August 23, 2021

**ROLL CALL**

Motion was made by Mr. Lindner, seconded by Mr. Argiro 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

■ **CORRESPONDENCE** The NJPO bulletin was given to the board members.

■ **CITIZENS HEARING non-agenda items**

Mr. Gallic asked if there was anything the public wanted to speak about for non-agenda items. Seeing no one come forward he closed that portion of the meeting.

■ **RESOLUTIONS**

None.

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**Public Hearing:**

**PB 21-05 Scotts Properties II, LLC**

B 55 L 26

Minor Subdivision, lot width variance

Mr. Jay Bohn, attorney for the applicant, came forward and introduced Mr. William Scott, engineer for the applicant. Mr. Scott gave his credentials and was accepted by the board. He was sworn in along with Mr. John T. Chadwick, IV, Township Planner, and Mr. Christian Kastrud, Township Engineer.

Mr. Scott went over the two-lot subdivision. He introduced an updated plan, Exhibit A-1, dated September 13, 2021. It had a revised sanitary sewer profile. The property is block 55 lot 26 on Dock Watch Hollow Road and is approximately 7 acres. The applicant wants to subdivide a lot out of the 7 acres. He showed a page of the plan showing that the property could be split into two conforming lots about 3.5 acres each with no variance required. Mr. Scott believes the plan proposed is superior to the conforming lots.

Subdividing in the proposed manner would create a transition area. There are four homes to the west of this lot that are 1.5 acre lots and there are multiple lots to the east of the property that are various sizes between 7 to 20 acres. There is a large red barn to the southeast corner of the property and a home could be placed to the rear of the larger lot and the barn could be maintained. They are subdividing under the lot averaging and this increases the lot width from 150 ft to 200 ft. There is a variance for the 150 ft. width.

Mr. Gallic clarified that they could subdivide without variances. The width of the frontage on lot 24.04 is 155 ft. and similar to what is proposed. There is no increase in density. Mr. Chadwick asked about the existing home being shown to be removed. They would take it down and some out buildings. Mr. Chadwick clarified that if you have five acres the barn is a conforming structure and with the house there the barn will be conforming. Mr. Chadwick stated when they get a permit for a new home, they would be required to get a demo permit for the existing home.

Mr. Gallic asked if there was any historical value to the sheds. Mr. Scott said the barn is in pretty good condition. The out buildings are not in such good condition.

Mr. DiBianca asked about wetlands. There are some wetlands and a man-made pond. There is a small watercourse down at the southeast corner of the site. There is a tributary to the Middle Brook on the far side of Dock Watch Hollow. There is a riparian zone buffer 150 ft. There is also a 50 ft. transition area for a small patch of wetlands in the southeast corner. Mr. Scott believes the permits can be through the permit by rule process.

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Mr. Lindner said the Historic Sites Committee discussed the stone barn by the new proposed driveway and that it is significant although not designated historic. It is over 110 years old and has a great storm foundation and the majority of the frame is there. There is a historic dam across the street and there is a historic culture in the area.

Mr. Scott spoke about the large red barn set back about 100 ft. from the roadway; and a smaller structure about 20 x 20 ft. up close to the roadway. Mr. Lindner was talking about the one close to the road. It is proposed to be removed on the plans. The building is not in the ROW easement. They could reroute the sewer easement if the building remains.

Mr. Gallic is interested in saving and possible restoration of the building. Mr. Bohn felt the applicant will comply with the request.

Mr. Kastrud went over completeness. The Town received a letter from Mr. Krueger that day and the wetlands and buffers were suggested. Drainage calculations would be a temporary waiver and it would need to be done at the time of soil movement application through the engineering department before a construction permit could be issued. There are riparian buffers were added to the plan.

Mr. Kastrud mentioned the dedication along Dock Watch Hollow and the applicant is willing to do that and metes and bounds will be submitted to the engineering department.

The environmentally restricted areas be placed in easements. Utilities need to be run underground. There was an expired approval from the sewer authority and the applicant has submitted to the authority for the two lots. Mr. Kastrud feels the layout makes sense for transitional sizes of the local lots.

Mr. Kastrud stated that if this subdivision is perfected by deed, the metes and bounds will be required. A soil movement permit from the engineering department will be required for construction.

Mr. Bohn spoke about house location and a neighbor to the south (lot 21.03) has contacted Mr. Scott. It was agreed upon to increase the side yard setback along that property line. Mr. Kastrud suggests that they avoid the feel of a flag lot.

Mr. Chadwick said that all the items in his report have been addressed.

Mr. Gallic opened the hearing to the public for comments. Council for the property owner at lot 21.03 came forward and they have come to an agreement on the side yard set back would be 50 ft. Mr. Gallic felt it was not the boards decision on the zoning setbacks.

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Mr. Gallic asked if anyone from the public had comments. No one came forward and Mr. Gallic asked if any board members had comments.

Mr. Siegel went over the conditions, Mr. Kastrud's memo #3,4,6,7, and 9. That the two existing barns shall not be demolished, the large red barn and the barn with stone foundation close to Dock Watch Hollow Road. All other approvals will be required (sewer, county, etc.)

**ROLL CALL**

Motion was made by Mr. Toth to approve with conditions, seconded by Mr. DiBianca

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

Against: None.

Mr. Gallic went over the background of the Board and that members live in town. Mr. Gallic farmed Wagner's Farm with Mr. Wagner and worked in the slaughter house.

The applicant's engineer will continue. There will time for all the aspects before the end of the hearing but now it will be engineering questions.

**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 will amend the plan to Belgian block from concrete curbing. There was a question at the last hearing about needing two trash removal areas. They propose on both sides to promote independent living. There was also a question on moving the utility pole that is in the island and they are looking into that with the Township Engineer. They also looked at moving the sanitary building to the other side of the site. They will move it and switch it with the half-court basketball court.

There was a fair amount of conversation about traffic. They are within RSIS standards. There was a traffic engineer that will give testimony; Mr. Lou Luglio, from Sam Schwartz Consulting.

Mr. Cifelli, the engineer for the applicant, came forward. He brought in Exhibit A-4, an Alternate Site Plan Layout, dated September 9, 2021. It adds a cross walk to the basketball court. There are two trash enclosures still. Mr. Gallic does not like that there are two.

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Mr. Gallic asked if anyone from the public wanted to come forward. Mr. Bruce Afron came forward as attorney for Mr. George Vetter. Mr. Afron asked why the plan has the basketball area shifted. Mr. Cifelli said there were comments concerning the location of the sewer facility and were asked by the board to consider switching it to the opposite side. With the new location it is next to Township owned property.

Mr. Afron asked if in both plans there is an effluent discharge field in the center inside the residential buildings. He asked if this area would be fenced. It will not. Mr. Afron went over the plan and asked how far the roadway is (to the north) from the Passaic. It is about 2000 ft. Mr. Chadwick felt it is a lot further than that. It is about 3000 ft. from the river.

Mr. Afron asked if Mr. Cifelli's firm, PS&S is the same firm that is the engineering firm for the Warren Sewerage Authority. They are. Mr. Afron stated that the Warren Sewerage Authority granted/issued a resolution exempting this project from being included in the district sewerage plant. Mr. Afron asked if PS&S participated in the meetings about this issue with the sewerage authority. Mr. Cifelli was not aware of that, or familiar with who attends the sewerage authority meetings.

Mr. Gallic asked if any members of the public wished to ask questions. Mr. Cifelli found a copy of the resolution from the sewerage authority and no one from PS&S was on the roll call. No one from the public came forward.

Mr. Wyciskala asked Mr. Adam Sturn was sworn at the initial meeting. He works for Natural Systems Utilities and he gave his credentials and was accepted by the board.

Mr. Sturn gave an overview of the issues. With today's current standards and regulations they can't get a septic system approved here. It is a common challenge in New Jersey. They collect the sanitary waste water in a single location, treat it, clean it, and then it is discharged back to the groundwater. It is common throughout the state. It requires various state permits and approvals. It guarantees the level of treatment is adequate to meet groundwater quality standards and also that the recharge to the groundwater is safe and reliable. The location of the treatment facility really doesn't matter that much.

The center area (inside the buildings) is being used for groundwater recharge. It looks like a septic system disposal field but it is not. There is no septic effluent, it is treated and cleaned. That is the high level overview.

The process cleans the water and then it is sent to a leaching field. The system lasts much longer than a septic system. The state requires that it is operated by a state of New Jersey licensed operations firm. It is continually monitored. The field will look like a lawn and can be used by public.

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The system is monitored and if it failed the wastewater would be contained on site and it would be hauled offsite until the system was back on line. There is a back up pump, back up aerators, etc. It is extremely unlikely that it could ever affect the property across the street. There are back up generators. If the emergency generator operates there is an alarm to the firm.

There are many processes to clean and then it is separated, solids and liquids prior to discharge. They also disinfect. It is all biological treatment and creates an atmosphere for microbes to make them grow and multiply and effectively eat the waste water. The building is required to be locked; there can be signage on it. There are some tanks underground near the building.

Mr DiBianca asked if there was any landscaping. The building will be similar to the residences. The architect will have a rendering.

These systems have been around about 100 years but the technology has improved. There were larger outdoor tanks, now much smaller and work better. The building might be about 25 to 30 ft. by 30 ft.

Mr. Toth asked about the field and life span. A septic field has a life of maybe 40 to 50 years. This system will last longer as the nutrients are removed from the waste water. The system has to discharge roughly neutral pH and there is monitoring required. Mr. Toth asked why they put wells above (on higher ground) the leaching field.

There is a well about 200 ft. deep and there was discussion on the wells and fractures. Mr. Gallic asked about the fill and how much is being used for the sewerage system. The fill will be used because the soil there doesn't have the hydrolic conductivity needed.

Monthly reports are submitted to the state by the licensed firm that runs the system. There was discussion on the change of topography in the center of the development. There could be as much as 7 feet under/below the final elevation.

Mr. Gallic asked about the concerns about the waste containing medications. Mr. Sturn said that is being investigated and how much is removed or retained is not known. They have to comply with the state permits. It is hard to know what to test. The select fill is effectively a sand filter to run through.

Mr. Gallic strongly suggests going down deeper for wells. Mr. Sturn went over what they looked at and they need to be out of the first zone of capture. There was discussion of fractures and where the water comes from. Mr. Gallic said they will hit through a shale layer at about 400 ft. and then will have a ton of water and it will be extremely clean. Mr. Sturn said there was extensive testing. They run transects of different directions and map out the fractures.

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There was a well at 200 ft that was productive and the 500 ft. well was not productive. The planning board members had no more questions. Mr. Chadwick asked if the building had vents. It does. All tanks are underground or at ground. There is carbon filtration systems to control the odor.

Mr. Gallic opened this portion of the meeting to the public. Mr. John Rau from 15 Indian Rock Road came forward. He asked about generator on the site plan. There are two on the plans. He was shown where they are on the plans. The generators will be from 50 to 100 kW. There should be a days worth of generator usage available. As soon as the generator goes on the firm has 24 hours to ensure more fuel was obtained or the facility would be fixed. The pumps may be generator or battery backup and must be approved by the state.

Ms. Michelle Santos from 5 Raspberry Trail came forward. She asked how many dedicated sewerage treatment plants similar to this there are in New Jersey. Mr. Sturn did not know. She also asked how often there is a spill or overflow from this type of plant. Mr. Sturn said it is extremely rare. The firm owns and operates almost 300 of the facilities and their compliance record is approximately 90%. Spills are very uncommon and more likely at larger facilities. Ms. Santos asked what the anticipated capacity of gallons per day of discharge is. Mr. Sturn said the rate of capacity by regulation is 4510 gallons per day. He said that was more of a maximum, they would expect to see between 2500 and 3000 a day. Ms. Santos brought up the hurricane recently and if there was 2500 gallons of discharge a day plus the flood waters, is there an environmental impact statement.

Mr. Sturn said how the facility is set up has some benefits. If you have a gravity system you are a little more exposed to inflow and infiltration. If there is a loss of power you have the emergency generator that runs the whole facility. The capacity of the storage tanks is in line with the design flow; however, if there is a loss of utility power it doesn't impact because it is automatically set up to divert power from the utility to the generator. And a phone call and alarm are sent to someone from the monitoring company. She asked if there was a process safety check list and was it available to the public. Mr. Sturn said that would be available when the design is submitted to DEP. They are also required to put together an Emergency Operations Plan.

Mr. Bill Gilbert came forward from 17 Flintlock and he asked about the fill an grade. He thought at last meeting grade by leaching field was 5%, but he just heard that only seven feet of fill will go over top of a leaching field. Mr. Sturn said it depends on the final grades but you want the groundwater disposal/recharge area to have a bit of a crown to it to shed rain water. The level of infiltration is what they design to. There was further discussion about the final design and they will show profiles. The fields themselves will be relatively level, the ground on top will be a little convex.

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Mr. Dirk Adriaanse from 148 Mountain Avenue came forward and asked about the solids. Are they compressed or ultra violet it? Mr. Sturn said they will be hauled out like a septic system. The solids are basically spent bacteria and not pressed on site.

Mr. Afron said that his client, Mr. George Vetter, had some questions. George Vetter from 182 Mountain Avenue asked if they knew where the neighbors well and septic fields are. Mr. Sturn said they were mapped. Mr. Vetter said this area has always been on septic systems. Mr. Sturn said they could not use a septic system because of the ground water pollution. The DEP would not approve it. There is too much volume. Mr. Vetter asked what the feasibility is to go into the sewer system. Mr. Vetter was not aware of a study on that. Mr. Vetter asked about the wells. Around the 1960s there was a bad drought and the water table is lower during a drought. The area was still rural but now not as much. Will the wells proposed affect any of the neighboring properties. Mr. Sturn said they are required to look at the cone of depression. They ran tests and are required for this site to be able to generator about two gallons per minute. They tested at 33 gallons per minute to be conservative and get enough response to measure that cone of depression. The draw down in the well was only thirteen feet. They also looked at the monitoring wells surrounding that and used that to calculate how far the influence is. Where the influence drops to 12 inches of draw down is where they say there is no impact. That 12 inch draw down is almost entirely on this parcel. There is a little sliver that runs off the northwest portion onto the township property. Another thing to point out is the productive fracture was about 180 ft. below grade. The final draw down at the end of the test was still 122 ft. above that fracture zone. They don't want to dewater the fracture zone. They also are required to project out what happens after 30 days of pumping at their peak. The average is 2.1, the peak is more than 6 gallons per minute. They have to prove there will be no impact to surrounding wells.

The tests will be public information when permitted with the state. Mr. Vetter spoke about the store (that used to be across the street) and a well, and across the street Charlie Wagner built a yellow ranch house and that well was a dud. That is close.

Mr. Sturn said there will 3 production wells and more monitor wells. Two were duds and they didn't intersect the water bearing fractures. Mr. Vetter said one day he saw many people in town were concerned with their wells and the ground shook. The wells did not work. He checked into a possible quarry blast somewhere. There was a blast in Watchung. That is a concern. They did recharge in about half a day. Mr. Vetter asked what is the depth of seasonal high water. Mr. Sturn said it varies over the site. There was discussion on the table. The hydraulic conductivity is very poor on the site and that is why they need to replace the soil layer to get the ground water recharge systems in place. They discussed flows of water and fractures.



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Mr. Vetter asked about the different soils on the property. The incoming soil is tested. Sometime the soil would be rejected. The soil being brought in will be over the beds below.

Mr. Vetter asked if they will pay for a neighbor's well if one needed to be redone. They have proven that the impact does not go off of the property site except the small amount that goes onto the township property. Mr. Vetter stressed how important these wells are to the surrounding properties. He monitored the Cory Brook during the storm (the county had built a new bridge). The bridge is 30 feet in width and 8 feet high. It was 100% full of raging water. It went across neighboring properties and across Mountain Avenue to the point where cars couldn't get through. He talked about the tunnels by route 78 that helped it.

Mr. John Klingert came forward from 80 Briarwood Drive East. He asked what is the peak waterflow design for the well. Mr. Sturn said there is an average daily design and a peak daily demand. The peak is about 6.25 gallons per minute. Mr. Klingert asked about the buildings being sprinklered and the water demand for that. The fire suppression system is independent from the potable system. There will be storage tanks in each building for fire suppression and how long will the sprinklers run. They did not know but will come back to it.

Mr. Gallic asked about irrigation sprinklers; there are no plans for irrigation sprinklers. Mr. Sturn said that the DEP is very conservative. Mr. Gallic feels there should be some restriction on any irrigation going forward.

Mr. Bruce Afron, attorney for Mr. Vetter, asked about the fill and it being brought in because it is not good for recharge. What is the recharge for? It is to manage the treated effluent. They want to keep onsite, recharge as oppose to putting it out to a river. Mr. Afron asked if they did not replace the soil would it be suitable for this use. The design would look different. Mr. Afron asked about not being able to connect to the district sewer system. Why? Mr. Sturn was brought in because they needed this system.

Mr. Chadwick had discussed the issue of sewer for this site with the Executive Director of the Warren Township Sewerage Authority and he said it is not feasible because of distance and the pump station would have to be totally re-constructed. There is also a capacity issue. It is long range solvable, maybe 5 to 10 years or beyond. Mr. Chadwick also said that all the sewer capacity has to support the affordable housing court mandated plan.

Mr. Afron asked about a failure before trucks arrive. Mr. Sturn said they get alarms on the levels warning action has to be taken before a spill. Mr. Afron asked if there was a failure in the transmission of the solid waste from the structures (residencies) to the facility. Who will be responsible for that? Numerous people will be --design, mechanical, plumbing, electrical. Mr. Afron

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asked if there has been review of failure from residences to the plant. They need local approval for the system before they can submit to the DEP.

They discussed the difference between a septic and the proposed system.

Mr. Afron asked what chemicals will be used in the processing. Mr. Sturn said most of the processes fully established very rarely chemicals are used. In the beginning sometimes they need to add carbon, historically that was done with methanol, but now sugar-water is used (long chain carbon molecules). It is to stimulate the growth of the bacteria and exceleerate the time it takes to get fully up to speed.

Mr. Afron brought up Mr. Kevin Sumner's (Warren Health Department) memo dated April 27, 2021--it references the proposed solid waste facility indicated on the plan do not comply with the warren solid waste ordinance. That is referring to the trash.

Mr. Gallic asked for a five minute break. Mr. Gallic called the meeting back to order.

Mr. Lou Luglio at 30 Montgomery Street, Jersey City, a traffic engineer with Sam Schwarz Consulting came forward for the applicant. He was sworn in and gave his qualifications and was accepted by the board.

Mr. Luglio has been involved in other BCUW projects. Mr. Luglio created a letter report dated September 13, 2021 and was submitted as Exhibit A-5. Mr. Luglio went over the basis of what they look at. It is how many new vehicle trips and that is both regular passenger cars, trucks, visitors to and from the proposed site. Usually, residential properties are low and this is lower based on the population/residents. The summary conclusion is based on the vehicle data that they collected, in addition to looking at it from the ITE engineers. He projects it is a low generator. There are 12 vehicles in the morning peak hour and 10 in the evening peak hour. It would require approximately 13 parking spaces. They went Tuesday, August 31, 2021 and they visited the Florham Park site located at 86 Park Avenue. It is open and operational, they collected traffic an parking data. Normally it is on a 15-minute basis.

He summarized this in Page 2, of Exhibit A-5, and in the peak time period (67 parking spaces at the facility) 26 vehicles were parked in the a.m. peak hour and 27 vehicles in the p.m. peak hour. Florham Park's facility is larger. Table 2 is number of vehicles generated in the Florham Park site there was 22 in the a.m. and and in the p.m. there were 20 vehicles. They applied that to the size of the proposed facility with 30 units and there are 50 parking spaces. On Table 3, they compared the site to the Florham Park and to a congregate care facility and a retirement community. The total of the a.m. peak hour for the congregate care facility and the retirement care was 3 and 5. Less than the 12 at Florham Park.

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Table 4 is the number of vehicles they expect to see at the proposed facility with 30 units. During the a.m. peak hours there is a total of 12 vehicles , 6 in and 6 out. In the p.m. peak there is total of 10 vehicles, 4 in and 6 out. In summary, they confidently come up with the numbers in Table 4.

Mr. Gallic asked about the requirement for a traffic light. Mr. Luglio said you would need over 500 vehicles on the side street per hour. There is no traffic light needed. The site distance is good in both directions.

Mr. DiBianca asked how many parking spaces are handicap, 8. The total number of parking spaces proposed is 50. Mr. Chadwick asked if 50 parking spots were needed. Mr. Gallic and Mr. Chadwick suggested possibly having banked parking being considered.

Mr. Chadwick asked if any of the residents would be going across the street, walking across the street. They did not look at that. They will look into this.

Mr. Kastrud asked about the utility pole in the entrance boulevard and relocating it. It would be good to be moved.

Mr. Gallic opened this portion of the meeting to the public. Mr. George Vetter came forward and asked if the traffic consultant knew that there are 333 new residences to be built at exit 36. One of the driveways will be onto Mountain Avenue. He asked what is the width of the parking spots. They are 9 x 18 feet and RSIS compliant. At Old Stirling and Mountain there is a very skinny bridge.

Mr. Joe Farro came forward from 3 Sage Drive. If people will be walking across to the arboretum he highly recommends a cross walk with a pedestrian crosswalk signal. The town should push the county to replace the two bridges on Mountain Avenue.

Mr. Jeff Hooper, 4 Heather Lane, came forward and asked about if the new traffic that will be generated was taken into account by the Fairview development (at exit 36 and Mountain). Mr. Luglio said that this project (BCUW) does not generate much traffic. They would look at any intersection that has over 100 vehicles trips in any direction combined as a study location (sometimes bring it down to 50).

Mr. Gallic suggested that the board clerk/township engineer get the traffic information/reports from the Fairview development application and get to BCUW professionals.

Mr. Bill Gilbert came forward and asked about the Florham Park facility and if the residents can walk to nearby businesses, etc. They can walk around the site but there on not many businesses on that campus. The campus also has the Jets practice facility, and other land uses, but not retail. It is comparable for Florham Park and this proposed site.

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Mr. John Rau from 15 Indian Rock Road asked what percentage of the residents can drive. Mr. Toronto said that about one in every five residents drive.

Mr. Bruce Afran spoke about doing the traffic survey on August 31, the last week of the summer with vacations. It would be more realistic to do in September. Mr. Luglio feels it would be the same with this (BCUW) property. Mr. Afran felt one day analysis was not enough. Mr. Luglio said there was some other properties that they looked at for data.

This portion of the meeting was closed. Mr. Gallic asked what is left to present. The architectural designs are still left. They may still discuss parking also. The next meeting is September 27, 2021 and a Preliminary major subdivision is scheduled. BCUW will present the architecture at September 27, 2021.

Mr. Afron will not make the September 27, 2021 meeting. It was decided to have a special meeting on October 18, 2021. Mr. Afron will plan on having his witnesses on October 18, 2021.

The case was carried to September 27, 2021 without further notice.

■ **SCHEDULE OF NEXT MEETING:**

September 27, 2021

■ **ADJOURNMENT**

Mr. DiBianca made a motion to adjourn, Mr. Argiro seconded. All were in favor. Meeting adjourned at 10 p.m.