

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
March 10, 2014
APPROVED**

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 14, 2014 on the Township bulletin board and sent to the Township Clerk, Echoes Sentinel and Courier News 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.

ROLL CALL

Mayor DiNardo
Committeeman Marion
Mr. Toth
Mr. Kaufmann
Mr. Lindner (excused)
Mr. Malanga

Mrs. Smith
Mr. DiBianca
Mr. Freijomil
Mr. Gallic (excused)
Mr. Villani

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
February 24, 2014

Motion by Mr. DiBianca, Second by Mayor DiNardo to approve minutes

Roll Call

For: Mayor DiNardo, Committeeman Marion, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. DiBianca, Mr. Freijomil, and Mr. Villani.
Against: None.

■ **PROFESSIONAL STAFF REPORTS:**

Alan Siegel, Esq., Planning Board Attorney
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk
No Reports

■ **CORRESPONDENCE**

None

■ **CASE No. 1**

PB 14-01 29 Dubois Rd. Urban Renewal LLC

Block: 76

Lot 1.06

Road: 29 Dubois Rd.

APPLICANT:

29 Dubois Road Urban Renewal, LLC

LOCATION:

29 Dubois Rd

PROPOSED: proposed 35 residential townhouses

Mr. David Checchio came forward and it was decided to continue with Mr. John Saracco, the applicant's architect. Mr. Siegel stated that all previous witnesses were still under oath. The overview had been provided at the previous meeting for the design. Mr. DiBianca asked about basements and any wetlands nearby. Mr. Sarraco stated they will all be waterproof basements and will have foundation drains below the basement level floor (in case of seasonal water rising) to help basements remain dry for all the basements. Mr. Toth expressed concern with the colors of the exterior, with each group of homes being one color and the next another color. Mr. Sarraco stated they would be hearty plank siding, and any colors could be painted, although they are proposing three colors, tannish, grey, and very pale green. Not bright colors and the artificial stone will be the same on all of them and will bring them together. Mr. Malanga asked about the roof line color. It has been selected, but most likely be brownish, greyish.

Mr. Chadwick brought up his report from March 6, 2014 and his concern of the rear yard patios and whether or not privacy screening would be included between each unit. Mr. Sarraco felt that privacy fencing wasn't necessary due to the staggering of the units. There is no patio adjacent to another patio and there is landscaping. Mr. DiBianca pointed out the by-laws don't address any fencing, but Mr. Chadwick stated the by-laws say the owners have no rights outside their units. Mr. Chadwick feels there will be little gardens, grills installed, and should be reflected in the by-laws. There was discussion on grills being allowed on decks and issues with gas lines installed or not. Mr. David Checchio stated that the applicant is willing to work with Mr. Chadwick on any privacy issues that may be required, but agrees that they don't want to leave it up to the individual unit owners in putting up fencing or walls. Mr. Checchio feels it will either be done by the time the unit is sold or by the applicant or not going to be done.

Mr. Chadwick brought up that the by-laws are clear that you can't plant a bush outside your house (or any thing else). There is no landscape screening on the plans. Mayor DiNardo suggested that as the buildings are constructed it could be decided if screening appears necessary. Mr. Chadwick agreed and feels that if something does come up the HOA should be able to sign off on it before it would come to the town for any permits. Mayor DiNardo suggests a note that the

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applicant will make a decision on site with the township representative for screening.

Mr. Checchio directed the meeting to Mr. Kastrud's report and any issues that Mr. Saracco might be able to answer. Mr. Kastrud brought up that he worked with Tom Byrne, the Township Fire Marshall, and grills and the multi-unit homes and the code for the grills. Could grills fit on the deck and be within code? Mr. Chadwick felt it was five feet, and the decks at this development are 10 feet. The concern here would be not going into the transition area.

Mr. Freijomil asked what the decks are made of. Mr. Titus, the applicant's engineer, stated that some are patios at grade and pointed to exhibit A-1, buildings 1, 2, 3, 7 and 8 would all have patios. Building number 6 would have a patio at the basement floor level down below and also building 5. The only building without a patio would be building 4 and that does have a lot of space before the transition area. Mr. Freijomil asked again what the material will be for the decks. Mr. Michael Checchio was brought up to speak about the decks. The decks will be pressure treated frame with a trex top material with an aluminum rail, and the stairs will be pressure treated frame with trex top. The patio will be pavers. It will meet code. Where needed a grill might be put on the patio at the bottom of the decks. Mr. David Checchio asked if there were any unanswered questions for Mr. Sarraco.

Mr. David Checchio spoke about the Fire Chief report and the suggestion of sprinklering the buildings. He then asked Mr. Sarraco to talk about it. Mr. Sarraco stated that because they are using trusses they feel they don't need sprinklers. The homes are defined as townhomes, more than one floor, have their own entrance, and they have a two hour fire wall separating one town home from the next. That two hour fire wall has to extend from the masonry foundation up to the bottom side of the roof. It is built so that if there is a fire on one side the building on fire can theoretically collapse, unfortunately, and the building next to it would be structurally sound. It is complete independent/break from one building to the next. It will be within code. There is egress from both the front and the back of the building and the second story will have egress windows. The units will have smoke detectors, and heat detectors around the boilers.

Mr. Villani felt he may need more information from the Fire officials and that it should be discussed a bit further on the current report recommendation.

There was discussion on other buildings that are age-targeted and if they have sprinklers. Mr. Sarraco brought up that the fire personnel concerns may be the floor construction when truss construction, put together similar wood members put together they become structurally very strong. Small members burn very quickly. The floors will not be made of trusses, they will be either conventional 2x type lumber or, TJI choice.

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Mr. David Checchio stated the applicant did agree to comply with the three hydrants be placed on the site and the water main be looped. And this is going above and beyond the fire personnel request.

Mr. Checchio asked Mr. Titus to come up and go over the revised plans, revision dated February 27, 2014. It is sheet 11 of 18, the landscape and lighting plan.

Mr. Titus explained the lights proposed, 23 around the culdesac/site. They added Cypress Honey Locust along the fence along the detention basin, and a typical landscape table. Mr. Gallic brought up that some screening or separation is suggested in the front of the units on the driveway side (where adjacent to each other). There was further discussion on screening along neighboring property.

Mr. Checchio brought up Mr. Chadwick's memo on this revised page, dated March 6, 2014. It suggests variety and Mr. Titus agrees to the suggestion and bigger Leland's around the fence. The applicant is flexible on suggested trees.

Mr. Kastrud asked if the Honey Locust is in the right of way and Mr. Titus said they would be in the right of way. Mr. Kastrud wants those to be the responsibility of the homeowners and not the Township. Mr. Chadwick stated they could be on an easement on it. They could put the trees in a roadway and it would be part of the new development's property.

There was discussion about the fence and it wrapping a bit and ending with landscaping to soften.

Mr. Kastrud asked about the parking and any opportunity to provide more guests parking. It does comply with RSIS requirements (actually exceeds it) but seems may not be enough guests parking. It was discussed but it would take away grass area.

The other subject left was the Master Deed. Mr. Chadwick summarized stating Mr. Gallic wanted to make sure a flag could be put up on each unit. There are no restrictions on flags, but the limits on flags being up more than 3 days before and after the holiday. There were suggestions for the Master Deed. Mr. Freijomil felt that the items (in the Master Deed) are subject to the conditions in the resolution and in the amendment section of both the by-laws and the Master Deed. If an amendment would conflict with the conditions of the resolution, then an owner or the Homeowners Association would have to come back to the Planning Board for approval. Mr. Freijomil wants the owners/buyers to be aware of the conditions and what the restrictions are before they buy.

There was further discussion on the American Flag and other flags and that the American Flag would not be limited to the three day maximum.

Mr. David Checchio felt it was best to incorporate the suggestions into the Master Deed and By-laws instead of having the resolution as an amendment or

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addendum. There was further discussion on the resident's or association having to come before the board only for the restrictions in the resolution.

Mr. DiBianca brought up that the Master Deed and by-laws are not the Planning Board's responsibility but it is a contract between the owner and the association. Mr. DiBianca felt there are some contradictions and talked about the expenses requirements for payment. He also brought up the garbage collection and that at the last meeting he understood that individuals will put out their garbage pails in front of the unit but on page 19 under restrictions, it states the garbage should be kept in containers and disposed in locations designated by the association (so sounded like trash enclosures in a specific location). Mr. David Checchio stated they have not decided but thought the board would designate either (each individual owner) would put outside garage or at curbside or how many cans. Not a dumpster or community enclosure area. The by-laws will be modified to clarify. Mr. DiBianca asked about owners leasing their unit, and if they could buy several units and lease them out. Mr. Siegel felt there was no jurisdiction for the Planning Board to address that issue.

Mr. Villani stated that Mr. Checchio shall provide the revised by-laws and Master Deed to the board members and Mr. Siegel for review.

Mr. Chadwick wanted to talk about recreational vehicles and that he read it as they were not permitted, but Mr. Gallic was not sure if they were allowed or not. They are not allowed.

Mr. Freijomil summarized the comments from the Board's email from March 10, 2014. Number 1 refers to a Quorum definition, Number 2 is the flag issue, 3 talks to the idea there will be no storage of boats, trailers, boats, etc. , 4 no parking at certain hours, (Mr. Chadwick interjected that there is no parking on the road because the width of the street and the applicant agreed), there will be a No Parking sign at the beginning of the street.

Mr. DiBianca discussed the quorum percentages and that it is hard to get 20% at a meeting, much less 50%. Mr. Siegel stated that is not a land use issue.

So the quorum comes off of the Board's suggestion for the by-laws and Master Deed

1. The flag
2. No storage of boats, trailers, etc.
3. No incidental or ancillary structures permitted (sheds, playhouse, playstructures, trampolines, etc)

Mr. Freijomil felt the board should include 11a and 11d of the Master Deed in the board's suggestions.

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11a states that no unit, except for units owned or leased by a sponsor and used by sponsor or an agent of sponsor sales offices, rental offices, administrative offices, or models shall be used for any purpose other than a private residence.

11d. states that no business, trade, or profession shall be conducted in any unit, except those units that are owned by the sponsors, etc.

There will be a total of five restrictions (listed above).

Mr. Chadwick summarized the Redevelopment Plan and that the applicant has entered into two agreements with the town; a Redevelopment Plan and a Financial Agreement and he asked if they should be part of the resolution. There was discussion and they stand alone and are filed at the County.

Mr. Kaufmann spoke about state laws and Home Owner Associations.

Mr. David Checchio stated they are (this development's Home Owner Association documents) all subject to DCA and must comply with their laws.

There was discussion on rules on coops and condos.

Mr. Villani brought up parking and chapter 39 and visitors or service personnel. If police were called they would get a ticket if parked on the street. Mr. Villani brought up if they were using the term customary residential use. Mr. Chadwick stated they were not using that term in this application/development. It is residential only. No incidentals, no customary uses. Mr. Villani brought up what happened at the Promenade and businesses and that some residents are concerned about using the computer just for personal use. There was a discussion on the definition of business and it was a problem in the Promenade with the terms used. Mr. Chadwick assured the board that the same terms were not used in these by-laws. You can have a home office with desk, chair, files and speak on the phone. No signs, no clients, no employees, no advertising of a business in this development. There was further discussion on what advertising was permitted. No advertising or mailing address (for a business) will be allowed for the development. Mr. DiBianca brought up that the by-laws state there is no business conducted within the unit. This has been used in other projects stated Mr. David Checchio and it has worked out fine, and the question seems to be enforcing this restriction.

Mr. Chadwick stated that the Redevelopment Plan deals with this issue. It states no businesses in this Plan. Mr. Freijomil asked about a driveway that leads out to Mt. Bethel that originates from the subject property. The portion that is on the applicant's property will be abandoned/removed.

Mr. Villani opened the meeting up to the public. Ms. Katherine Shannon from 8 Reinman Rd. came forward and her property adjoins the property and asked about landscaping and screening. Mr. Titus stated they will plant a double row of evergreens along that property line, some of the Christmas trees that are on the

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property will be moved and some more planted; a mixture of white pines, blue spruce and Norway pines. Ms. Shannon asked about how far the back decks will be to her property and Mr. Titus stated the closest would be forty feet. She also asked about the drainage because her property slopes and Mr. Titus explained that they will be taking the water from her property and bring it down to the detention basin. It will be done by a swale. The houses will be two stories.

The board went into discussion. The board had no items for further discussion. Mr. Villani asked for a motion. Mr. DiNardo made a motion, Mr. Toth seconded to approve the application subject to all the conditions and the five restrictions that the board discussed (that will also be conditions in the resolution).

ROLL CALL

For: Mayor DiNardo, Committeeman Marion, Mr. Kaufmann, Mr. Malanga, Mrs. Smith, Mr. toth, Mr. DiBianca, Mr. Freijomil, and Mr. Villani

Against: None..

■ **CITIZENS HEARING (Agenda Items)**

None.

■ **SCHEDULE OF NEXT MEETING:**

April 28, 2014

■ **ADJOURNMENT**

Motion by Mayor DiNardo, seconded by Mr. DiBianca All in favor.