

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
February 24, 2014
APPROVED**

CALL TO ORDER Meeting was called to order at 7:35 pm

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 (excused)
Mr. Lindner
Mr. Malanga

Mrs. Smith
Mr. DiBianca
Mr. Freijomil (arrived at 7:42)
Mr. Gallic (arrived at 7:55)
Mr. Villani

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
February 10, 2014

Motion made by Mr. DiBianca, seconded by Mr. Malanga to approve the minutes.

Roll Call

For: Mayor DiNardo, Committeeman Marion, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, 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**

■ **CORRESPONDENCE**

None

■ **Memorialize Resolution of adoption of MASTER PLAN (Amendment) – Historic Preservation Plan Element Adoption-- Mt. Bethel Historic Village**

Motion by Mayor DiNardo, second by Mr. DiBianca to memorialize resolution.
Roll Call:

For: Mayor DiNardo, Committeeman Marion, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Villani
Against: 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. Villani asked the applicant to start their case. Mr. David Checchio introduced himself with an address of 10 Shawnee Dr. Suite 2, Watchung, NJ representing the applicant 29 Dubois Rd and as a member of the LLC also. Mr. Checchio went on to explain the case, for 35 townhouses on about an 8.5 acre parcel. The application does not have variances and is a redevelopment zone. There will be two professional witnesses, Lee Titus, the engineer, and John Saracco, the architect for the project. Also present were Michael Checchio, Mr. David Checchio's brother and Tom Powers, both part of the LLC. Mr. Checchio went on with some background on the LLC members, stating they live in Watchung and Warren. He gave some description of the site, across from the East County Reserve Park/Duderstadt and Mr. Powers had been involved in development of the fields there. Mr. Checchio went on to describe the site formerly known as the Knitting Mills, a textile plant, run by the Gebauer family. It was bought from the Gebauer family and after that the Township Committee noticed the blighted nature of the site and the need for cleanup. The site was placed in a redevelopment zone and the redevelopment plan agreement was entered into by the Township and the LLC. There is a PILOT plan agreement for the development. The development will be condominium, the interior is owned by the individual owners, and the grounds will be under a condominium association. Mr. Checchio turned it over to the engineer, Mr. Lee Titus.

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Mr. Titus was sworn in by Mr. Siegel and was accepted as an expert. Mr. Villani suggested to turn it over to the Mayor for some background on the redevelopment program, who in turn turned it over to Mr. Chadwick, the Township Planner. Mr. Chadwick discussed the project and the history. He stated that about a year ago the plan was presented for 50 units. Now it is a 35 unit proposal. All but six units have the master bedroom on the first floor and are "age-targeted" not age restricted; more appealing to retired or dual income -no kids household, unlikely to have a school age population.

The project will contribute funds in lieu of the affordable housing requirement and those funds are substantial and is part of the agreement with the Township Committee (as the Redevelopment Agency of the Township). It is going to operate under a PILOT program, which permits the township to accept nearly all the revenue by the taxes, set up on a schedule for thirty years. Now the town gets about 13 cents on a dollar but this will allow about 95 cents on the dollar, which is significant. Mr. Chadwick also stated this has also cleaned up a site that was in need.

Mr. Checchio also added that the Township acted as the Redevelopment authority, and the applicant, 29 Dubois Rd LLC has been designated as the redeveloper for the property, and the Redevelopment agreement and the financial agreement have been entered between the applicant and the Township.

Mr. Titus went over the project layout, kind of a triangle along Dubois Rd. with access on Dubois Rd with a road going into a culdesac with a green space in the middle. The colored sheet 3 and 4 of the site plan was brought in as exhibit A-1. Mr. Titus went over the plans, there is a westerly side wetlands and discussed the water movement and some other wetlands, some they will get a permit to fill from DEP along the center of the property. There are 35 units around the roadway, each with a two car garage and a driveway the width of the garage. There are some additional parking spaces along the entrance road and around the culdesac (nine total extra spots) and exceeds the RSIS standards. The roadway is 25 feet wide and does not provide for any on street parking. Mr. Chadwick asked if the applicant agrees with Title 39, enforcement of parking regulation (the applicant agreed to this).

Mr. Titus also spoke about the retention basin, set up as a filter most of the time dry and grass with a wall. There is a secondary basin north of the entrance due to the slope of the property. He discussed the sewer connection to Mt. Bethel Rd. accessed through an easement and a pump will be in the northeast corner.

There was discussion on the Sewerage Authority approval and this is part of Stage 4 (reassigned). The other lots surrounding the property are not part of the same stage, although there is more capacity.

Mr. Villani asked Mr. Chadwick to go over his report. Mr. Chadwick went over his report and discussed landscaping first. The wetlands along westerly border has some field and trees and is a transition area near the rear decks and Mr.

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Chadwick prefers the trees remain to the extent that the transition area is improved and ensure it is allowed via the DEP permit. Mr. Chadwick felt they could enhance the landscaping along that west area as well as the lawn area behind the proposed decks.

The southerly side is fairly wooded wetland area and there is more space behind the deck and he doesn't see any typical planting plan. Mr. Chadwick suggested a building typical instead of a unit typical plan. There are some street trees, selections and variety are good. The roadside is more difficult with the detention basin. Mr. Titus brought in the exhibit A-2 Wall and Fence Detail dated February 24, 2014, which is plan of the screen from Dubois Rd. Mr. Chadwick felt it was appropriate but needed more of a start and an end. Mr. Titus stated they propose a wing wall for the ends of the driveway. There was discussion on extended the fence and terminating the fence, and landscape. Mr. Chadwick felt a row of Leland cypress was not the best answer but some clustering may work. More work is required on landscaping.

Mr. Chadwick continued with the connection of the proposed development and the park across the street. There was discussion on the best way to cross the street. There will be no sidewalk added along Dubois (and is no sidewalk currently). There was discussion of widening the road at the connection of the driveway to allow for cars to pass around a turning car.

The county is rebuilding a bridge just to the south of the property and it does not have a provision for a walking section. Part of the issue is the fields are on the south side of the brook. It was suggested to put a walkway from the southerly side of the development going out to the Dubois roadway. There is some shoulder on Dubois Rd. Most of the roads are 30 foot pavement and 50 foot right of way.

Mr. Chadwick wanted to discuss the entrance. When the trees mature in years to come the development is not going to be so noticeable. Mr. DiBianca asked about the backs of the units that will face Dubois and if they are different than the other units. Mr. Titus stated the architect would cover that.

Mr. Chadwick felt the entrance should be conservative and no name or lighting is necessary. It was suggested to provide a plan for this for the board. It should be within the ordinance of the town.

Mr. Lindner asked about the timber guard rail along the fence. Mr. Titus explained there was a concern with safety of a vehicle crashing and ending up in the detention basin, so the timber guard rail would be behind the fence and be between the posts and wouldn't really see it behind the fence from the road. There was discussion of the detention basin being about four feet deep and most of the time dry and grass with a filter bottom. There is a four foot wall down on one side (toward the road side). There is only about 10 feet for planning in front

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of the wall and a discussion of pushing it back a little bit or not due to being able to anchor the fence well. Mr. Chadwick went on to discuss lighting. There was discussion about no street lights and if it is sufficient just with the house lights. There was an idea of some lights along the curbs (not at every driveway) that would be maintained by the homeowner's association, perhaps six to eight feet high going on at dusk and off at dawn. Mr. Checchio stated there will porch lights in the front and rear of each unit and garage lights over the garage door, probably two per garage and suggested a similar style for the lights placed at the curbs.

Mr. Chadwick brought up the Homeowner Association and POS that would control rules on whether the residents could park boats, RVs, etc, and whether a home business will be allowed. There needs to be a global statement of what is not allowed. There was discussion about a Master Deed, a standard set of by laws, that go along with the master deed and filed at DCA in Trenton, who would approve it (in the form of a Public Offering Statement (POS)) . Each prospective buyer gets a copy of that POS. A standard set will be drafted but Mr. Checchio stated they are not immutable; they can be changed by the association and the unit owners. By-laws can be changed. It was concluded that the development still has to stay within the zoning ordinances of the town.

Mr. Chadwick stated this development permits single family homes, townhomes, and condominiums/apartments. It has no provision for any accessory uses. You cannot have any employee/clientele coming to the homes.

Mr. Villani brought up the differentiation of the R-65, SC 65, and PAC R-65 and how some have misread the ordinance to include some uses from the other subzone. He discussed when closer to neighbors all individual actions are a bigger impact for each owner. He feels it is best to make the process to changes to the master deeds to be as restrictive as possibility when created. There was discussion on the resolution approval with conditions and the by-laws.

Mr. DiBianca brought up that it is very easy to change the by-laws in the Town Center community. Mr. Villani brought up that it takes 2/3 vote not a majority to change it for the Promenade and that if someone does not vote it is considered a "No" vote.

There was discussion on putting conditions in the resolution for items of concern and possibly intertwining with the by-laws. It was suggested that a few board members come up with a list of items of concern for the applicant to work with for initial by-laws. It was also suggested to create it with the control of what can be done and not what can't be done.

Mr. Freijomil asked if any of the additional space in the townhouses could be used as bedrooms, such as a study, or attic, or basement space. Mr. Chadwick stated that the Township and the applicant has a contract that covers where the bedrooms are and how many. To change the number of bedrooms an owner

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would have to go to the Zoning Board of Adjustment and would have to go to the Township Committee to get an amendment to the agreement.

Mr. Checchio stated he would create a draft of the Master Deed and by-laws for review before the next meeting. The board felt that no accessory or incidental use should be stated in the by-laws. Also, prohibit motor homes, campers, etc to be parked at the development.

Mr. Villani called for a five minute break at 8:45. The meeting was called back into order at 9:05. Mr. Villani asked Chris Kastrud, the Township Engineer, to continue. Mr. Kastrud spoke about the connection to the park and he feels it is important to have the development connected to the park for pedestrian activities. Mr. Kastrud had a meeting with the County staff and although they cannot get a foot bridge included in the bridge that is to be redone, the County is amenable to investigate and has brought it back to their land development for consideration.

The discussion so far has been for a crossing north of the brook. The brook bisects the park with the existing home and barn on the north side of the brook and the recreational areas are on the south side of the brook. There still may need to be a crossing over the brook to connect. It was suggested by the board to have the County look at that idea. Mr. Kastrud stated they will continue discussion with the County. The County stated there is some obligation that the adjoining property owners have in the reconstruction of the bridge, but no amount was discussed. Mayor DiNardo mentioned that the town was in negotiation with the County on upgrading the East Reserve park facility with paths included. There was discussion about an out of the box bridge to cross the brook.

There was a discussion on meeting ADA requirements and the path that is on the plan on the south side. Mr. Kastrud discussed the Fire Dept memo and the number of hydrants and a looped water main. The applicant has provided the three hydrants and they did loop the main. There was discussion on what loop meant, and Mr. Kastrud suggested to satisfy the Fire Marshall with the design.

Mr. Kastrud feels the applicant's plan meets the redevelopment zone requirements. The clean up of the property was done via a remediation plan that was submitted. Mr. Michael Checchio was brought up to discuss remediation and was sworn in. He discussed that he is a principal and project engineer for the project. Mr. Michael Checchio was responsible to oversee the clean up of the property. He stated there was some lead in one small location which was dug out and samples were done after clean up and came back clean. A couple of tanks were removed. The old mill had asbestos which was remediated and there was a compressor which was removed and cleaned. All was cleaned and cleared residential standards. Craig M. Hopkins, a LSRP, a licensed remediation profession, was able to issue a Response Action Outcome Letter. Mr. Siegel asked if there was a copy of that letter and asked to provide as evidence and it was introduced as A-3.

Mr. Lindner stated they were glad that the remediation plan worked and the site has been cleaned up. Mr. Marion asked if the Environmental Commission has reviewed the plans. Chris Kastrud did not know. It was discussed that the applicant is before the Board of Health for the next meeting.

Mr. Kastrud asked about the easement going across lot 6.02. Mr. David Checchio responded that it has been filed at the County and brought it in as exhibit A-4, JCPL utilities easement across lot 6.02. Mr. Kastrud continued through his report. Mr. Kastrud brought up his report No. 12, and the LOI that has been issued and that buffer averaging is proposed, that is trading off buffer area. The township has no riparian buffers on the property. Mr. Kuc, the environmental specialist, was not available that night but he has made several site visits with the DEP and there has not been mention of riparian buffers by the DEP.

Mr. Kastrud discussed Item 13 of his report—that during construction they would like some sort of fencing to ensure that no one encroaches into the wetlands areas. He expressed his concern on homeowners encroaching the wetland area also. There is no issue with residents walking in the transition area and wetland as long as there is no planting or removing of vegetation. There will be a conservation easement and the applicant agreed to put typical markers in to designate the areas. Mr. Kastrud discussed the driveway that runs across 6.02 and onto the applicant's property and asked if it would be removed from the property. Mr. Titus stated it would be removed on their property. Also, the physical site features will also be removed and the plans will be revised to show that.

Mr. Kastrud discussed that the Homeowner's Association will be responsible for all the roads, private storm sewers, and private sanitary sewers. Mr. Kastrud brought up that the detention basin will be taken care of by the HOA, but the town still needs the right to enter if they do not maintain it. The maintenance manual and operations manual for the basin will be included with the easements, and give the town the ability to enter. There was discussion on a blanket easement, but the Sewerage Authority is a different entity so they may need their own easement.

Mr. Kastrud discussed the road is only 25 feet wide and no objections to the size of the road but it does not meet RSIS to allow parking on either side. He suggests that one No Parking sign be placed at the entrance to the neighborhood rather than along the road. Mr. Kastrud asked about title 39 enforcement and the applicant agreed.

Mr. Kastrud did not see if ADA spaces are required. Mr. Titus stated he did not see any requirements. Mr. Kastrud continued through his report and addressed the orange construction fences to keep all machinery out of the area. Any wall in excess of four feet will need engineering calculations submitted and approved prior to construction. Number 22 reminded Mr. Kastrud about the fence being placed approximately 10 feet from the pavement. He questioned if it is in the right of way, but Mr. Titus stated that the fence would be inside the property. He

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discussed the detention basin and the retaining walls, and that the wall needs to be shown that it will be constructed to maintain the water that might be in it.

Mr. Kastrud spoke about the gas service for the generators and it was agreed to relocate in the access road.

Mr. Kastrud brought up that the County had said that the applicant will not be improving the frontage. The road is unlikely to be widened anywhere else and feels it is not necessary to widen at the development. Just a little bit will be at the entrance and the plan will be modified (to take curb of of the plan along the property and widening).

There was a discussion on a blanket easement for possible need of maintenance, although Sewerage Authority would need their own easement. The applicant will need to reapply to Sewerage Authority because the plan changed from 50 to 35 units.

There was discussion on mail distribution and whether it will be individual or in a cluster box. Garbage and recycling will be individual.

Mr. Villani brought up the Fire Dept report recommendations and the fire hydrants. It is requested that three hydrants be installed and recommend that the buildings be sprinklered but the applicant is not in agreement to sprinkler the buildings.

The architect was introduced, Mr. Saracco, and sworn in by Mr. Siegel. He gave his qualifications and was accepted by the board. An exhibit was brought in, A-5, a color version of the Elevation of the buildings. He discussed the five building types and there are 8 clusters of buildings and will be various combinations of the different types. No two clusters are the same. Each type has a unique element and style. The colors will be determined and will be earth tones for the hearty plant siding. The trim will be white trim; doesn't need much maintenance and the stone will be same stone for all eight clusters, and there are some copper dormers. Each cluster will be one color. There is a fair amount of movement in the front, rear, and side facades of the buildings. Color would be in the by laws to ensure no changes to the color schemes.

There will be no stone in the back. Garage doors will be articulated, one single large door rather than two. All exterior design elements will be limited by the association. Mr. Saracco expressed that Elite (the applicant) does quality work. The different floor plans were presented. Unit 1 is a corner unit and is on each side of the main entrance (and other places). It has a side elevation that is articulated and the door is on the side. The architect went over the floor plan. There will be a deck or a patio. Master bedroom will be on the first floor with the master bathroom. All the units have a full unfinished full basement and some of them will be walk outs.

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Mr. DiBianca asked about the basement and if they could be finished and it was thought they could be. There was discussion that a Radon system would be installed. The board questioned if the basements could have bedrooms, or the study could be converted to a bedroom. The development plan agreement does not allow more than three bedrooms. The sizes are 2387 to about 2600 SF units. Not more than six units may include a master bedroom on the second floor.

Unit 2 is the only one without the bedroom downstairs and the architect described the floor plan and the rear façade of the buildings that will face Dubois. There is variations in the styles.

Mr. Villani thought that since it was getting late the audience could be brought up if they have any questions.

Mr. Adrian Rowell came forward and he is living at 3 Woodcrest Ct. and feels it is a high density development and not in keeping with the character of Warren. Mayor DiNardo brought up that the zone was industrial not residential. Mr. Rowell stated it was disingenuous to convey that there would be no school age children. He is also concerned with road improvements due to the road being narrow and increased traffic. Mr. Chadwick clarified the RSIS standard and calculation and the peak hour based on that would be 9 cars in the morning and 9 in the evening. There was discussion on how it can stay rural with more homes and that children are part of the town.

Mr. Villani gave some background that the property was industrial use. There were some hazardous materials on site and the town did want it to be cleaned up and it was brought into a Redevelopment Zone to take steps to clean it up. He discussed that traffic may not be as bad as people expect. Mr. Rowell stated that it is very difficult to take a left turn from Dubois onto Mt. Bethel and at Dubois and Reinman. Mr. Rowell is disappointed in the wetlands being filled and is concerned with the residents coming out of their development and getting into the park safely. Mr. Marion asked if the bridge will be different when the work is complete. Mr. Kastrud stated the road over the brook will be thirty feet wide, 11 feet lanes with four feet shoulder, so it will be bigger.

Colleen MacAteer came forward from 16 Reinman Road, which is a lot that is adjoining the property. She brought up her septic system and its closeness to the property line and is concerned if more water is directed to her property.

Mr. Titus discussed the drainage and how it comes across a bit and down and it will be cut off by creating a swale to a drainage pipe and a detention basin. The requirements of the DEP are to reduce the size of the peak flow of the storm. Mr. Titus stated that most of the water will be diverted and she will have less water than she does now. Ms. MacAteer asked about the trees near her property and Mr. Titus spoke about the trees that will be removed, some replaced.

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Mr. Titus agreed to do a landscape plan. It will be noted that the property at 16 Reinman Rd will not be negatively impacted. Ms. MacAteer is concerned about traffic as they experience issues now.

Mr. Chadwick discussed a County study that is ongoing about Mount Bethel and they are trying to get the timing corrected. Route 22 and Route 78 are the closest in Warren so it gets a lot of traffic. No light is planned at this time
Walter Rider came forward from 86 Reinman Rd. at the corner of Reinman and Hanover St. and he has been a resident since 1977. His concern is traffic with all the school traffic, middle school and high school. He has a hard time getting out onto Reinman Road. He felt the property should be left as it is. He thought there were environmental issues and it could not be developed.

Mr. David Checchio stated the environmental issues had been addressed.

The case was carried to March 10, 2014 without further notice.

■ **CITIZENS HEARING (Agenda Items)**

■ **SCHEDULE OF NEXT MEETING:**

March 10, 2014

■ **ADJOURNMENT**

Motion by Mr. Gallic, seconded by Mr. Villani. All in favor