

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES**

**7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
July 28, 2014**

**APPROVED**

**CALL TO ORDER** Meeting called to order at 7:38 p.m.

**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 (arrived at 7:41)  
Committeeman Marion  
Mr. Toth  
Mr. Kaufmann  
Mr. Lindner  
Mr. Malanga

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

■ **APPROVAL OF MINUTES:**

June 9, 2014

Motion made by Mr. DiBianca, seconded by Mr. Kaufmann to approve minutes.

**ROLL CALL**

For: Committeeman Marion, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith,  
Mr. Toth, Mr. DiBianca, Mr. Villani  
Against: None

■ **PROFESSIONAL STAFF REPORTS:**

**Alan Siegel, Esq., Planning Board Attorney**  
**John T. Chadwick, IV, P.P., Professional Planner**

Mr. Chadwick spoke about the re-examination Master Plan and that items should be provided shortly to the Planning Board.. Mr. Chadwick stated that the re-examination report does not require public notice. The Master Plan will require public notice as it can suggest changes to ordinances and zoning changes.

**Christian Kastrud, P.E., Professional Engineer**  
**Maryellen Vautin, Clerk** Just to carry the CASE PB 14-02

**Warren Township Planning Board Minutes**  
**July 28, 2014 Page 2**

Case PB 14-02 Wolf Owens Company, 123 Old Stirling Rd. was carried to the Planning Board August 11, 2014 meeting at 7:30 p.m. due to an issue in the notice to the newspaper. Notice to neighbors was correct. The hearing is carried to August 11, 2014 without further notice to surrounding properties.

Mr. Villani began discussion on the Township Committee Green Team Resolution directing Green Team Development checklist to be distributed for each Planning Board and Zoning Board of Adjustment application. Mr. Chadwick explained that the Green Team is an ad hoc committee that was appointed by the Township Committee and they have submitted documents to various agencies and received recognition for their work. This check list is part of that. They have created a check list for developer's and for anyone taking out a construction permit. The Township Committee has adopted a resolution in support of the Green Team, it is not an ordinance but it will get attached to our application packets and only to the extent that the application has relevance to the thoughts and standards set forth in the checklist it would be addressed. It does not change rules and regulations, it is good information for developers to give consideration to before development. It is information for the Planning Board and it adopted by the Township Committee and directs the administrative officer to give out with the applications for the Planning Board and Board of Adjustment. It was questioned as to what the obligation is of the architect or engineer. It does not have standing in the board's decisions. It is suggested items to consider by developers. It was noted that the Green Team has done great things for the town, but that the board members are concerned that these suggestions would cause limits to property rights with the specifics of the checklist. Mr. DiBianca feels the ordinances/codes should be followed and they not give these suggestions. Mr. DiBianca feel it should be outside of the Planning Board to get this information out to contractor's and perhaps the Green Team should mail out to contractors on their own. Mr. Villani agrees and suggested it should be discussed later. Mr. Lindner feels it is good to get this information out and that some may want to be more ecological. He has worked with LEED certified construction and that is to strict ordinances for those standards. It was decided to discuss later, even at a later meeting.

■ **CAPITOL IMPROVEMENT REVIEW – New Municipal Building**

Mr. Chadwick discussed the Capitol Review process for the township and that the Planning Board can give any comments at this time on the Municipal Building. Mayor DiNardo introduced the project and showed the large plans of the complex and the new construction. Mayor DiNardo discussed the age and condition of the current Municipal building; over 100 years old and it is becoming unsafe and not compliant with ADA standards. The Township Committee decided to investigate a new building versus putting in money to bring the old building up to standards. The committee also looked into the police trailers that are 30 years old and the costs to replace due to rotting out, etc. Mayor DiNardo went over the front elevation and the complex overall. The lower level will house the Police Department locker rooms (mandatory by state code) , file room, lunch room, training room. It is required to have a training room on premises for the Police Dept now. It is hoped that most of the archives could be moved to onsite and get out of off-site storage.

**Warren Township Planning Board Minutes**  
**July 28, 2014 Page 3**

The current building may be used for the Historical Society and the archives. There will also be conference rooms and storage. The third floor will be abandoned. The new complex will be about 25,000 SF with all three levels. The height will be comparable with the library and it will keep all offices in one campus and blend together. The main entrance will guide the visitors to a smart screen to look at where they want to go and it will be an interactive guide, there will be an elevator. OEM will have an office, and will be incorporated into the police department. There will be a generator servicing the building. There will be a vault for the Clerk's office.

The floor plan will include an open hall way for both the floors for the municipal departments with counters identifying the department. The counters should provide easy service to and ability to give information to the public. There will be a conference room at both ends of the halls to meet with applicants, and residents. This level will have Planning and Board of Adjustment, Recreation, Tax Collector and Assessor, and Engineering

The second floor is more administrative with Finance, Administrator's Office, Purchasing, Fire Chief, Board of Health, and lunch room. There will be a office/conference room for the Township Committee. Again Mayor DiNardo mentioned that the old building may have a historical society space, and some storage space. He also stated that the roof will have solar panels, on the back, the south side.

There was some discussion on some renovations in the remaining portion of the current police department. Committeeman Marion commended Mayor DiNardo on the dedication to this project. Mayor DiNardo researched what residents would like and other towns have done.

Mr. DiBianca asked about the costs and its impact on the community. Mayor DiNardo stated the committee did a resolution for a bond ordinance for 4.2 million dollars. One of the reasons for the DuBois Rd. redevelopment is the PILOT program will direct taxes to the town directly and it is calculated that it will pay for approximately 85% of these bond costs. And the triple bond rating is very high and the money is very affordable to the town. The timing of the project is to possibly bid out in November, and perhaps break ground in the Spring.

■ **CORRESPONDENCE**

None.

**RESOLUTIONS**

- **PB 14-04 Jonathan Eng** Minor Subdivision Application was heard and considered at a public hearings on June 9, 2014 at which time the board rendered its decision to approve with conditions, and this resolution is intended to memorialize the same in accordance with N.J.S.A. 40:55D-10(g) (2).

**Warren Township Planning Board Minutes  
July 28, 2014 Page 4**

Motion by Mr. Kauffmann, seconded by Mr. DiBianca to memorialize the Eng resolution.

ROLL CALL

For: Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. DiBianca, and Mr. Villani.

Against: None

- **PB14-07A** – Resolution authorizing the execution of Award of Contract for Professional Attorney for the Warren Township Planning Board for 2014.

Motion was made by Mr. Toth, seconded by Mr. Lindner to authorize.

ROLL CALL

For: Committeeman Marion, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. DiBianca, and Mr. Villani.

Against: None.

- **PB14-08A** – Resolution authorizing the execution of Award of Contract for Professional Planner for the Warren Township Planning Board for 2014.

Motion made by Mr. Toth, seconded by Mr. DiBianca to authorize.

ROLL CALL

For: Committeeman Marion, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. DiBianca, and Mr. Villani.

Against: None.

■ **CASE No. 1**

**PB 14-05 Paul Quense, 9 Mary St.**

**Block: 198 Lots 9.11 and 9.08**

**APPLICANT: Paul Quense**

**LOCATION: 7 and 9 Mary St**

**PROPOSED: proposed minor subdivision/lot line**

**Warren Township Planning Board Minutes**  
**July 28, 2014 Page 5**

Mr. Quense came forward and introduced himself as the applicant and the owner and was sworn in by Mr. Siegel. He re-introduced himself for the record. He went through the property and the reason for the subdivision. He explained that it will straighten out the lot line instead of diagonal and clean up the lot lines to be perpendicular between the two houses. It is a mutual thought the neighbors have had for many years. Mr. Villani brought in the reports. Mr. Chadwick went over his and he feels the lot lines should be changed and it complies with all zoning.

The lots are already developed. The signed approval from the other neighbor is included in the application. Mr. Chadwick stated that if approved the board should grant all the waivers. Mr. Kastrud's went through his report and addressed the lot line change will also move the lot line at the rear of the property so the pond is entirely on Mr. Quense's property. Mr. Quense stated that it is also to try to square off the woodlands in the back and discussed both properties.

Mr. Kastrud stated there would be new deeds needed and metes and bounds required to be submitted for the engineering department approval. Mr. Quense agreed.

Mr. Villani brought up the Board of Health letter about public water. Mr. Quense responded and he has submitted to the Health Department the documentation of public water and that the well was closed. The health department has submitted a letter on the date of the meeting agreeing that the documentation is complete and they will give a waiver to a hearing.

Mr. Villani went back to the checklist of the application and Mr. Chadwick stated that is what he was referring to the waivers to the checklist earlier, instead of listing them all.

The board went into discussion and hearing none Mr. Villani entertained a motion.

Motion was made by Mr. Toth, seconded by Committeeman Marion to approve the subdivision with conditions.

**ROLL CALL**

Committeeman Marion, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. Toth, Mr. DiBianca, and Mr. Villani.

Against: None.

■ **CITIZENS HEARING (Non Agenda Items)**

None.

Mr. Villani brought up the Green Team checklist and to be prepared to discuss at the next meeting.

**Warren Township Planning Board Minutes**  
**July 28, 2014 Page 6**

Mr. Chadwick brought up that the Township Committee has filed comments with the Council on Affordable Housing. The COAH had published its new regulation on July 2, 2014, and the comment period is through November. The regulation is scheduled for adoption in November. They are substantially the same with additions that were invalidated by the appellate court. There are three separate parties filing suit against those regulations. From a Planning discipline Mr. Chadwick does not expect the court to uphold these regulations. He does not know where they will go from here. The court questioned how these regulations achieve what Mount Laurel case was supposed to do. It was to provide some public housing for middle class families, but the regulations have been taken and reduced to almost public housing. It was to provide for housing for the 80% of the median, not going down to people with very little or no income.

Mr. Chadwick discussed that this may affect Master Plan but may not and that the town has done what they are required with the submitted comments. It could affect how properties are developed by increasing the units per acre etc and the town will stay ahead of that.

Mr. Villani brought the Green Team checklist up again for discussion. Mr. Villani feels it reminds him about recommendations on sprinkler systems and fire hydrants on residential properties by the Fire Marshall and that the property in question met the legal requirement and did not have to take the recommendation. Mr. Villani is concerned if the board would vote against an application due to one of the items on this checklist and the legal ramifications.

Committeeman Marion stated it is an informational process and a recommended practice and is by no means recommended by any developer. There should be no legal ramification for or justification for this board's behalf of denying or approving. These Green Team initiatives are a thought process to inform the public that there are other options whereby they can go and decide it either makes sense or it doesn't. In no means is it a justification for a denial on a permit or a plan, or an application.

Mr. Chadwick referred to what Mr. Lindner had said earlier that sometimes builders may not be aware of Green construction and these suggestions may help them out. Mr. Chadwick suggests it be clear to anyone that looks at the checklist that this checklist is not a requirement but that it is for informational purposes only.

Mr. DiBianca asked if there was another way of disseminating this information (instead of having as part of a board application). Mrs. Smith felt perhaps Laura Mandell from the Green Team could come and talk for a few minutes to the board about this. There was further discussion on the recommendations.

It is a resolution directing the administrative officers of the boards to hand out the checklist with applications. Mr. Siegel stated there is no action required by

the board. Mr. DiBianca let Ms. Vautin know that the second page of the resolution was not clear, that it did not get copied correctly.

Mr. Villani wants to make sure it is clear as to the intent of handing out and including the checklist in board applications. Mr. Chadwick reminded the board that the resolution in front of them is from the Township Committee and what they decided and that is to distribute the Green Team Checklist with any board applications, but agreed that it is worth discussion the board has had and the board will have to keep it in check if recommending things on the checklist.

There was discussion on the new Municipal building and suggesting items from the checklist that work or not. Mr. Chadwick stated that in Chapter 15 there is a part of it that addresses facing buildings south and that when it works for the site he does suggest it. Mr. DiBianca was concerned that the checklist may cause legal ramifications.

Mr. Chadwick reminded the board that much of the checklist is concerning construction and that the Planning Board does not have jurisdiction over that. The Green Team got it associated with the Planning and Zoning boards because they are looking for certifications and those certifications always refer to those boards.

Mr. Kaufmann asked that if the checklist is submitted with the application -- does it create talking points that the board is supposed to get involved in to the point that it influence a vote. He feels that this is where ambiguity could be a problem. It should be just part of the completeness review of the planning board application and not part of the decision process. Mr. Chadwick feels the cover sheet for the checklist must be worded carefully.

Mr. Lindner asked if they have the right to ask for LEED certified or higher standards for environment. Mr. Chadwick stated no. There were some tax credits for LEED standards and solar but not too many are left. There is an ebb and flow on suggestions for building and at times it may be worthwhile.

■ **SCHEDULE OF NEXT MEETING:**

August 11, 2014

■ **ADJOURNMENT**

Motion by Mr. Toth, second by Mrs. Smith All in favor

Meeting was adjourned at 8:50