

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
April 8, 2013
APPROVED**

CALL TO ORDER Meeting called to order by Chairman at 7:35

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 10, 2013 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

ROLL CALL

Mayor Sordillo (excused)	Mrs. Smith
Committeeman DiNardo (excused)	Mr. Toth
Mr. Gallic	Mr. DiBianca– Alternate #1
Mr. Kaufmann	Mr. Freijomil – Alternate #2
Mr. Lindner (arrived at 7:40)	
Mr. Malanga	Mr. Villani

■ **APPROVAL OF MINUTES:**
March 11, 2013

Motion by Mr. DiBianca, Seconded by Mrs. Smith to approve minutes.
For: Mr. Malanga, Mrs. Smith, 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

Mr. Villani announced that the Shelter Group case and the Wrestling application would carry over to the May 13, 2013 meeting. Mr. Chadwick explained that the reason that Shelter would carry to the next meeting was it is understood that they are going to change their plan. The residents were concerned that they were not noticed. Mr. Siegel stated that if there is a substantial change, then they will notice again.

■ **CITIZEN'S HEARING (Non-Agenda Items only)** None.

■ **ORDINANCE REFFERAL – TOWNSHIP COMMITTEE**

Ordinance No 13-03, Amendment #1 to the Redevelopment Area Plan---
The Knitting Mill/Dubois Rd.

Mr. Chadwick explained that the that the redevelopment was negotiated from 50 total units to 35 total units. The concept of age targeted remains with the master bedroom on the first floor but for 6 of the 35 units the affordable housing element will be in lieu of payment equivalent to the number of units. This was started when round 3 rules were in effect. There were 5 units in the original plan and it would be 3.5 now.

Motion was made that this ordinance is not inconsistent with the Master Plan by Mr. Gallic, seconded by Mr. Linder.

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

Against: None

■ **ORDINANCE REFFERAL – TOWNSHIP COMMITTEE**

Ordinance No 13-04 , amending Chapter XV of the Revised General Ordinances entitled “Land Use Procedure and Development” by removing approval by the Sewerage Authority and the Board of Health as a pre-requisite for land use applications to either the Planning Board or the Zoning Board of Adjustment within the Township of Warren.

Mr. Kaufmann questioned why the change now. Mr. Chadwick stated that the two boards, Sewerage Authority and Board of Health, meet every other month and at times miss those meetings causing unnecessary delays before the Planning Board can deem a case complete. Also the Township has created an Economic Development Board and they have looked at how to be more business friendly. It does not eliminate the Planning Board asking if they have approval of the other boards or asking about the site. The Planning Board expressed concern that the Planning Board could approve a case and then it could be turned down by Health or Sewerage Boards. Mr. Freijomil pointed out if approved by Planning Board it could be contingent on those boards giving approval, but if there are changes after the Planning Board approves how does the Planning Board get notice of changes. Mr. Chadwick stated that the plans for compliance must match with the Planning Board plan and conditions of the resolution before it would be finally approved. Mr. Kaufmann asked

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why the boards did not meet more frequently as the Planning Board meets often and he wondered why someone would come here without those approvals. Mr. Gallic pointed out with a nonvariance subdivision or minor site plan amendment they should be able to do this new process and feels it is overdue to change the process. It does shorten the time of development by allowing these processes to go in parallel.

Mr. Murray also feels it doesn't prohibit the applicant to go concurrently to those other boards. But the Planning Board can act on the case. Mr. DiBianca asked about the completeness issue and having enough information for the case. The applicant should investigate if any question of obtaining approvals from other boards.

Mr. Chadwick will probably make a decision whether a case would have to come back to the planning board due to changes during the Board of Health and Sewerage Authority cases.

Mr. Gallic made a motion that the ordinance is not inconsistent with the Master Plan, seconded by Mr. DiBianca.

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

Against: None.

CASE 3 - Case PB12-06
Block 86.01 Lots 28.04, 29 & 30

Applicant: The Hollows at Warren, LLC
Owner: Louis Rosenberg
Location: San Road & Mt. Bethel Rd.
Working Session

Proposes a major subdivision, possibly 10 lots. Awaiting NJDEP LOI.

Mr. Villani introduced the case and asked Mr. Page about which plan they would be reviewing tonight. Mr. Page stated they did not change the plan (sets of plans). Mrs. Vautin stated the Qualifying Plan was given out to the members and the sets of plans are a different plan but they also have them. Mr. Page stated that they would be going over the qualifying plan. He also stated that he knows the DEP was on the property but no report has been received yet. Mr. Page went over the plan and stated like Sleepy Hollow it is a split zone. The line dissects the property and to the north is three acre zoning and the south is ½ acre zoning. Mr. Page compared this to Sleepy Hollow and they had 6 half acre lots and 14 three acre lots. The case went with variable size lots according to environmental constraints using lot averaging. Mr. Page explained the road coming off of San Road and winding through the proposed development and

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extending to Mt. Bethel Rd. The plan shows that there can be 10 building lots. Mr. Page went on to explain that this is the plan they do not want to do and spoke to the plan with various lines for wetlands and buffers. Mr. Page stated that on the plan he was going over the road goes through the wetlands. They obtained an opinion from Dave Krueger, an environmental engineer, and he opined that this would be permissible under the DEP requirements. Mr. Page stated that they would like to not go through wetlands and has a new proposal. Mr. Page asked to look at Sheet number 2 on the September plans that the members have smaller copies in front of them. He spoke about the lot on Countryside and that the plan is a more environmentally friendly proposal.

Mr. Gallic asked about filling 2100SF of wetlands and encroaching on double that on buffer for the qualifying plan and asked if that is an individual permit. Mr. Page stated they are all individual permits. Mr. Page stated that Mr. Krueger feels it is allowable. Further discussion continued on the permit process.

Mr. Chadwick reminded all present that this is not an advertised case because the checklist requires that the applicant files for LOI but in another section it is required to have the LOI for any subdivision case. If LOI was in hand and a little more evidence was given, it may establish the certainty of 10 lots with the environmental constraints. Mr. Gallic was skeptical that it would be approved by the DEP. Further discussion continued on GP permits.

Mr. Page explained they would like to stay away from wetlands and steep slopes etc. Mr. Page showed a different plan that he likes, and once it is shown that they are entitled to ten lots, they would try to develop ten lots that are the most environmentally sensitive. He discussed the access out to Mt. Bethel Rd. and at the intersection it would only allow right turn out, it would be left and right in. No left out, you would have to go the traffic light. Mr. Page understood that a real second access for Sleepy Hollow was wanted and this would provide it.

Mr. Villani reminded all that Sleepy Hollow had half acre zoning that went to acre and a half lots, made more spacious. It is different than this case. He also asked about the plan and the four lots F, G, H, and I are in the three acre zone and the plan proposes half acre lots. Mr. Page pointed out that the three acre lots in Sleepy Hollow got smaller to accommodate the smaller lot zone part of the development. Mr. Page stated that if the board wants to respect the zone line, he will revise the plans and submit to the DEP. Further discussion continued on the wetlands and disturbance and avoidance of disturbance. Mr. Page stated that the contract purchaser has purchased the property now. Mr. Page discussed another alternate plan with curving the road on the Mt. Bethel side and getting two lots there, and possibly having only one on countryside instead of two. There was discussion on where the road would come out on Mt. Bethel. There was discussion on the road itself and how far to property line the road would be. Mr. Page thought 15 feet from edge of road to property line, 28 foot wide road. It is offset with grading considerations and a sidewalk on one side.

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Mr. Chadwick spoke about Mr. Krueger coming to the meeting as the wetlands are critical as to where to start with the number of lots. Mr. Malanga asked if anyone else had looked at this property to develop. Mr. Chadwick believed there was a concept map probably over a decade ago. Some local developers pursued it but did not continue.

Mr. Page stated there are four lots on San Rd. and two hook up to sewer and the other two are on septic and they are on small lots. Those lots want to hook into the sewer along with this development. It has been offered by this application to do this.

Mr. Villani mentioned another plan to Mr. Page with not going into the 3 acre zone and Mr. Villani would like to see it and make a comparison to Mr. Page's preferred plan. Mr. Page clarified that it is the qualifying plan and now doesn't like it. He would rather run road in the middle and maybe only have one lot on Countryside and not one large one on Mt. Bethel.

There was more discussion on comparing plans and staying within the zones. Mr. DiBianca brought up the concerns with traffic on Mt. Bethel and perhaps not coming out to Mt. Bethel. Mr. Page stated that Sleepy Hollow was held up because they were looking to get a second access off of Mt. Bethel and emergency access and discussion continued on pros and cons of another access.

Mr. Page feels they qualify for ten lots and he wants to work for the best plan for them and again discussed his newer plan. Mr. Page stated that when he submits to DEP he submits for everything at the same time, DEP, County, Soil Conservation, Board of Health, Sewer Authority, and Planning Board. They submitted for LOI and permit simultaneously because it takes so long. Mr. Page is looking for some guidance on which or what plan is preferred because he would change the DEP permit. Mr. Villani asked what is horrible about the plan Mr. Page had submitted in September (and that the Planning Board had in front of them). Mr. Page stated disturbance of wetlands that don't need to be disturbed with another plan. Mr. Krueger's letter had stated that the road would probably be permitted across the road. Further discussion continued on how much disturbance would occur and the letter (from Mr. Krueger) was in the packet. Mr. Lidner asked if you did not average how many lots would this land yield. Mr. Page stated they would get 1 or 2 less. Mr. Chadwick reminded the board that the first map is the qualifying plan and it sets the lot number. The uncertainty is whether the wetlands boundary shown is accurate or not. This meeting is a working session and keeps the case moving forward.

Mr. Chadwick stated there are three formulas that apply to this property, standard zoning (first plan), variable lot size (like Sleepy Hollow was), or to squeeze the lot down to 50,000 for 3 acre and would have open space set aside (although does not connect to other open space). The options Mr. Page spoke about with the serpentine road as opposed to the other plan, the ordinances permit.

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Mr. Freijomil was looking at lot summaries and comparing lots and buildings on them. Mr. Page stated there is no significant difference. He is concerned that others may come back and look to subdivide a lot later. Mr. Freijomil does not see a gain with this plan.

Mr. Page wanted to stay away from issues and discussed the wetlands and constraints. Mr. Freijomil feels that since this would not average lots up in size there is no advantage. What is possible is a detriment, such as subdividing those lots later? And if you don't get the permit, you may have to come back and be down to eight lots. Mr. Page stated that the plan would still be avoiding wetlands even if he is permitted fewer lots. Discussion continued on right of way and possibly less lots approved.

Mr. Gallic brought up that lot averaging has been used by Planning Board to make better developing and it sometimes makes sense. He also stated that there has been discussion of a need for ingress and egress from here in the past, and qualifying plans are in the ordinance although he sees eight lots. Mrs. Smith also likes the ingress/egress and is concerned with traffic on Mt. Bethel and is concerned with a left into the development. Mr. Page is opened to that. Mr. Page spoke about old documents on the property and that the ditch is man-made, the rivulet and the water that used to run into this ditch has now been taken out by the Sleepy Hollow development. Mr. Page wants to vacate this ditch and bring the sanitary sewer to the two house. Mr. Page also will ask the Township Committee to vacate the right of way bulb that doesn't do anything, that doesn't exist (doesn't have a cul-de-sac).

Mr. Villani wanted to clarify that this is a different case than Sleepy Hollow and the references to Sleepy Hollow that have been made. But once the light was put in the issues were resolved, and there was not as much as concern about a separate ingress/egress.

Mr. Page stated they are open to the Planning Board suggestions on access. Mr. Chadwick asked if the traffic consultant gave a preferred point on Mt. Bethel. Mr. Page did not recall but that he was told absolutely no left turn out. There was further discussion on the ingress/egress, and County requests, site distances, and the light.

Mr. Kastrud asked if the qualifying plan would work if you put a cul-de-sac at the end of it. The road hits much farther south so questions the site distance, but if plan works with a cul-de-sac it is a moot point.

Mr. Chadwick feels there are two pieces of importance. Mr. Krueger's explanation of wetlands is important and knowing where the most preferred connection point on Mt Bethel is important and the backup of these. Mr. Gallic suggests Mr. Krueger come in. Mr. Page has spoken with Mr. Krueger and he

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feels the only issue is the man made ditch but Mr. Page sent copies of early subdivision maps (1960s) and Mark Harris said he would speak to Dennis (at DEP) on this.

Mr. DiBianca stated that some of the board is looking if there is any possible way to redesign so you don't have to come out to Mt. Bethel, that would a superior way. Mr. Gallic and Mrs. Smith also like that (with no left turns) Mr. Page suggests an emergency entrance with Belgian block but not a roadway

Mr. Murray asked what is the advantage of having Mr. Krueger present. If Mr. Krueger gives supporting testimony will the board still state that they want to hear from the DEP. Mr. Gallic feels it would be beneficial to hear Mr. Krueger. Further discussion continued on DEP and time of possible report. Mr. Page will bring in Mr. Krueger to the next meeting. Mr. Page suggested having Mr. Krueger write a more descriptive report on why the plan is suitable and go on advice of the professional to have him come to the next meeting for 15 minutes.

Mr. Villani feels the development should go out to the traffic light because people make a left when they aren't supposed to. Mt. Bethel and traffic has become a big issue. The traffic light is working well without the second ingress and egress.

CITIZENS HEARING (Agenda Items) Seeing none, this portion was closed.

■ **SCHEDULE OF NEXT MEETING:**

May 13, 2013

■ **ADJOURNMENT**

Motion to adjourn by Mr. Toth, seconded by Mr. DiBianca, all in favor. Meeting adjourned at 9:08.