

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
May 13, 2013
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 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	Mrs. Smith
Committeeman DiNardo	Mr. DiBianca – Alternate #1
Mr. Toth	Mr. Freijomil – Alternate #2 (arrived 7:37)
Mr. Gallic (arrived 7:50)	
Mr. Kaufmann (excused before vote)	
Mr. Lindner	
Mr. Malanga (excused)	Mr. Villani

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
April 8, 2013

Upon motion by Mrs. Smith, and seconded by Mr. DiBianca the April 8, 2013 minutes were approved.

Roll call:

For: Mr. Kaufmann, Mr. Lindner, Mrs. Smith, Mr. Toth, Mr. DiBianca, Mr. Freijomil, 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**

The New Jersey Planner, March/April Vol. 74, No. 2

■ **CITIZEN'S HEARING (Non-Agenda Items only)**

Seeing none this portion of the meeting was closed.

■ **REVIEW OF APPLICATIONS**

CASE 1 - 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.
Update/clarification on Mr. Krueger's decision only.

Mr. Villani stated that the ownership has changed on the property now. Mr. Joseph Murray, Esq. addressed the board and introduced Mr. Krueger, who the board had suggested come to the meeting. Mr. David Krueger, Mr. Christian Kastrud, and Mr. John Chadwick were sworn in at that time. Mr. Murray inquired to qualifications and duties of Wetland Certifiers. Mr. Krueger has 27 years of experience and is an environmental consultant. Mr. Krueger has been to the site in question and spoke about the qualifying plan. Mr. Krueger feels the wetlands and road crossing and modifications to the buffer would be allowed and feels it would be approved by the DEP. He has written a letter on April 15, 2013 that summarizes the findings. Mr. Murray asked about the 10A permit, which is a roadway crossing permit. It requires an application and you need less than 100 feet of wetlands crossing and less than a quarter acre of wetlands disturbance. The plan meets these standards. The permit is good for 5 years and it can be extended for another 5 years.

Mr. Chadwick asked about the status of the LOI. Mr. Krueger stated that the wetlands have been reviewed and approved but the report is not complete. There was further discussion about the boundaries of the wetlands and no changes were made. Mr. Chadwick continued with discussion about the township ordinances and requirement of submission to DEP and another section requiring the LOI to be complete. Mr. Krueger hopes the report is done within 3 weeks. Mr. Kastrud asked about the small wetland area on the south side of the road, and Mr. Krueger felt it may be filled in.

Mr. Murray asked Mr. Krueger if he had come across situations similar to this one asking a board to make a decision conditionally upon a general permit (from DEP). It was discussed that it could be a couple of months until the report is done and it is out of the

**Warren Township Planning Board Minutes
May 13, 2013 Page 3**

applicant's control. Mr. Krueger feels there is going to be very little change to wetlands or buffers. The meeting was specific to Mr. Krueger's testimony concerning the wetlands and other items were not discussed. Mr. Murray asked Mr. Page where does the application go from here. Mr. Page was hoping that the board would accept the qualifying plan. Mr. Villani stated that it appears they are getting close. This portion of the meeting was concluded.

**CASE 2:- Case #: PB-12-07
Block: 74 Lots 7, 8 & 9**

**Applicant: Shelter Group LLC
Owner: Walter Cyburt
Location: 53 – 57 Mount Bethel Rd.
Actionable**

PROPOSED: Applicant proposes to construct an assisted living residential healthcare facility. The site contains 16.73 acres. The project will be a single assisted living building and parking. Access is proposed via a 24 foot wide driveway of approximately 500 ft in length, the property is zoned R-20V and complies with the township requirements. Revised plans submitted for a 2-story plan.

Mr. Glenn Pantel introduced himself with Drinker, Biddle & Reath as the applicant's attorney. The applicant's witnesses were sworn in. They were David Holland, Mark Muller, Kathy Mueller Michael Tobia and John Harter. Also, Mr. Chadwick, and Mr. Kastrud were sworn in.

Mr. Pantel went over the changes for the proposed plan. The modified plan eliminates variance for number of stories, it now complies, it is a 2-story facility. The footprint and layout are also changed creating an internal courtyard and compact plan. It is still 106 units and 106 beds. The only variance is the two-sided signed consisting of about 50 square feet versus 25 square feet.

Mr. Pantel suggested that the architect will go over changes, Kathy Mueller will address the site plan changes, parking circulation, etc. The parking is increased from 56 to 69. The traffic consultant, John Harter, will testify to the site circulation, including ingress and egress, still no left turn out. There is also a dualized boulevard entrance to address some of the issues raised.

Mr. Pantel inquired if all members present were eligible to vote. Mrs. Vautin checked. Mark Moeller came up to discuss the architecture. Mr. Moeller discussed the 2-story layout and shifting the components to make it compact to reduce internal distances for residents. There is now a courtyard which will have separate sides for visitors and residents on one side and the other side will be for memory care residents separated by a privacy fence. The plan was marked as exhibit A-10, groundfloor elevation. Mr. Moeller discussed the layout with the central kitchen, dining rooms, separate elevators. Mr. Moeller continued with the second floor elevations, there are three fire stairs. The most remote unit to a fire

stair is limited with the compact plan. The use of this building is I-2 and requires a Type 2A or noncombustible type of construction and also has maximum travel distances that residents have to travel to protected stairwells. The maximum travel distance is 200 feet and these are all well under 200 feet.

Mr. Pantel clarified that the last exhibit was incorrectly numbered as it was already submitted. So, A-10 is the colored rendering. Mr. Moeller stated that the 2-story building looks more like it belongs in a residential setting. The colors are fairly muted, clapboard and sidewall shingled. The height conforms to the zoning. It is measured to the midpoint of the peak, the midpoint of the pitched roof and is 28 Feet, 7 inches. Further description of the building features continued and the landscaping that will enhance the site.

Mr. Villani stated Mr. Chadwick and Mr. Kastrud will comment as they have new reports. Mr. Chadwick reviewed his report and stated there are no variances with the building height. Mr. Gallic reported that many of the board members did not receive the new reports. There was an April 23, 2013 report that the board members did not receive. Mr. Chadwick walked through the report with the board. No variance is required for height but there is for the signage. That is all that relate to Mr. Chadwick's report and the architecture. Mr. Kastrud had no comment on architecture.

Kathy Mueller testified as the engineer and was accepted by the board. Ms. Mueller went over the site plan and the changes of the plans. The plan will be deeper from north to south going with the 2-story building. The front yard setback to the building will be 500 feet. The side yard to Town Center Dr. is 114 feet and the side yard to Sydenham is 192 feet. The rear setback is 307 feet, well within the requirements of the zone. The boulevard entrance will have 215 foot wide drives with six-foot mountable curbed island. It allows for emergency access in case one lane gets blocked. Additional parking was added and is more than required; 53 are required, they propose 69. The general circulation is the same, with a road to the rear for deliveries to the back area. The road is to be paved and widened to 18 feet and they worked with the fire department about being able to turn around in front of building. There is 25-foot radiuses at the intersection to be able to back up and leave the site. The sidewalk along the parking goes out to Mt. Bethel to the south and extends north to the property line. The sign is now a closed sign instead of a V-sign. It is two-sided, 50 feet on either side with a ten foot setback. Another change is no longer propose the gravel access off of Mt. Bethel.

Mr. Villani stated the Sewer Authority and Board of Health have given approval for this case. Ms. Mueller continued, there are 106 units, the building coverage is still below the requirement.

Mr. Pantel stated that with the change of plans, they will reapply to those boards. The planning board could make the approval contingent on those approvals. Ms. Mueller continued discussion about the retaining walls and elevations. Mr. DiBianca brought up the drainage down to Town Center Dr. condos. Ms. Mueller

Warren Township Planning Board Minutes
May 13, 2013 Page 5

stated that with the current conditions the water drains down to a ditch. The improvements will intercept a majority of the water. Ms. Mueller discussed the drainage system with inlets and piped out to Mt. Bethel. Discussion continued on the conveyance of water into the system, into the detention basin, and then out to Mt. Bethel, and some will go out to the northern portion. Ms. Moeller stated that much of the water will be intercepted and will not go to the Town Center properties. Part of the ditch is on the applicant's property and part is on the property south of them and will be maintained by the respective property owners. The detention basin was described and meets the state requirements. Ms. Mueller discussed the driveway and 30 foot clearance to keep the drive open. The sign will be 10 feet off the property line and similar to the office building across the street and it is a monument sign. Ms. Mueller stated they are about 23 feet from the curb line.

Ms. Mueller described the utility plan and the fire hydrants suggested by the Fire Marshall. The lighting plan was also discussed and bollards will be used along the rear to only light the walkway and not shine to the west.

The soil erosion plan was discussed and the limit of disturbance is now 7.65 acres or 45.8 percent, the maximum allowable is 50 percent. The landscape plan was then discussed. Mr. Chadwick agreed that the plan does conform but he did not see any note about the affordable housing, the ten percent units. Mr. Holland agreed to get it on the plans.

Mr. Kastrud went over his report and all items were addressed. Mr. Kastrud did ask about the approval from Somerset County. Ms. Mueller stated they did not yet submit and wanted to finalize plans first. Mr. Kastrud asked about the improvement to draining up to Sydenham, and 15 inch pipe. He also asked about the maximum slope of the driveways in the parking areas. Ms. Mueller said it is about two over 95.

Mr. Villani explained that after a short break the audience would be able to ask questions of the witnesses that had testified. A recess was taken at 8:50. Mr. Villani called the meeting back to order at 8:58.

Mr. Villani asked the board members if there were any questions for Ms. Mueller. Mr. Freijomil asked about not being able to see the building if everything were on the photo and what they meant. Ms. Mueller discussed the trees and the site line. There will be a good landscape buffer. Mr. Gallic felt this is a better design than the previous plan. Mayor Sordillo agreed, it is better engineering and it looks good. Mayor Sordillo's issues are traffic and fire safety. The police can't get down Mt. Bethel and it is a problem. We are overextended. At Exit 33 and Exit 36 there is backup traffic. Mayor Sordillo knew a young woman who was killed on route 287 and this could happen all the time. He hopes there is a Somerset County study.

Warren Township Planning Board Minutes
May 13, 2013 Page 6

Mayor Sordillo also stated that the applicant meets the minimum standards of NFPA 101, which is the life safety standard. Mayor Sordillo is concerned that Warren does not have the manpower to fight a fire in a facility like this. He suggested a fire brigade, the first responder would be in the facility. There was discussion on how to get the trained people. He feels concern for the Warren fire fighters safety. And he feels we cannot add high risk exposures. Warren is a Class 4 town, which is very very good. This helps with rates for fire insurance. There are many things that go into a Class 4 rating but there is the issue of not enough volunteers and we are under probation. No other board members had questions/comments.

Mr. Villani welcomed the residents to come up. Mr. Mike Coyle, 6 Sydenham came up. He had concerns on what could be developed there (perhaps many homes) and it may have negative impacts. He stated that Shelter Group has been up front and addressed some of their concerns and the 200 foot buffer would block a lot.

Mr. Villani did state that it is a big piece of property and you can check what is permitted. When no variances are requested it is permitted use and it is good to know what could go on the property. This is a permitted use.

Mayor Sordillo asked about the 200 foot buffer, is there a way to protect it? Mr. Chadwick reminded the board that you have a site plan approval and if there is a change desired, they must go through this process again. Mayor Sordillo asked if they could sell off land, subdivide etc. Mr. Chadwick said they could make an application but they are not entitled to approval. Further discussion continued on future changes to this site. Mr. Chadwick feels it is highly unlikely that any change would be approved in the future to change this site.

Mrs. Val Waterman from 8 Sydenham Road came forward and asked about the type of structure and the ISO compliance issue. Mayor Sordillo stated that the rating is on probation, and worst case would be a paid fire department that would raise taxes significantly. It is an issue for anything new going up that is residential. Mrs. Waterman would like to see something like this go up. She doesn't want to see McMansions go up in this area and it may affect their property values. Mrs. Waterman feels they are looking at what is good for the town also.

Mr. Sohar from 14 Sydenham Road came up and wanted to note the fact that the homeowners own a strip of land on the other side of Sydenham so that the 17 acres doesn't come up to the road. There is no access to Sydenham Road. Mr. Sohar discussed the history of the property and the zoning went to commercial. He stated he was not notified of the last rezone to commercial. Now he feels it is the lesser of any evils and supports the Shelter development and feels the 200 foot buffer is not in any danger.

Warren Township Planning Board Minutes
May 13, 2013 Page 7

Mr. Villani asked the audience how many were in favor of this application. Mr. Pantel clarified that there were seven hands. Mayor Sordillo clarified that his issue is a life safety issue. Mr. Sohar agreed and thought they might have someone on duty who is trained in fire fighting.

Mr. Pantel brought up the traffic consultant, John Harter. Mr. Harter introduced himself and he was accepted by the board as an expert traffic engineer. Mr. Harter discussed the traffic letter report dated April 23, 2013 on the latest plan. The speed limit is 35 miles per hour. They found the peak hour is roughly between eight and nine in the morning and roughly between five to six in the evening. Trip generation for the site, using ITE, with the 106 units is 15 trips in the morning. Ten vehicles in, five out. And then in the evening peak hour, 23 total, 11 in and 12 exits. Mr. Harter introduced some information from the county, A-11, County Traffic Data. He went over this information. It was taken on Mt. Bethel Rd., just south of Mount Horeb Rd. He stated that the times for the Shelter Group shifts are off the peak times for the Mt. Bethel data. It had the data at 1600 cars two-way in the morning and in the evening 2000 two-way. There was discussion on saturation and the small shift in numbers that can add to saturation. Mr. Harter stated that this use is adding at off peak times. Mr. Gallic and Mayor Sordillo feel this shows that the traffic is already backed up. Mr. Villani reminded the board that this is a county road and a lot of traffic is from other towns and their development. There has been meetings about the road with the County. There was discussion about single family home or other permitted uses for this site and traffic. The number of trips for this application would be 275 in and out a day. There will be peaks and lows. There are about 20,000 vehicles on a daily basis on the road. There will be no left turn out of the site. There is not a physical restriction but signing and striping to indicate no left turn. Mr. Freijomil is concerned that people will do it anyway. The county will dictate the physical improvements. Mr. Harter gave details of the ingress and egress and its safety.

Mr. Tobia was brought up for examination. Mr. Tobia explained it is now one variance, the sign. Twelve square feet is permitted and the applicant proposes a 50-square foot sign. The sign is nice looking and integrates into the design of the building. It is 10 feet off of the property line, perpendicular to the road. Mr. Tobia suggests the large sign has benefits that outweigh the detriments. The use does have turnover among residents so bigger sign will enhance site visibility for visitors. The property line is 20 feet back from the traveled road, so it is 30 feet from the cartway of the road. The larger sign promotes public safety to the traveling public as the building itself is farther back. Mr. Tobia sees no detriments.

Mr. Villani closed the section of testimony and the board went into discussion.

Mr. Kaufmann considers the traffic is a nonissue, doesn't feel it will add significant traffic. He does have concerns with the fire safety, but this does have the sprinkling systems.

Warren Township Planning Board Minutes
May 13, 2013 Page 8

Mr. Pantel stated that they can't commit to have qualified volunteer firemen as employees for this type of facility. It is sprinklered. But they can agree to work with the town's fire safety official to develop an appropriate fire safety plan, including fire drills.

Mrs. Smith thinks it is one of the best plans for the location.

Mayor Sordillo is still concerned with fire safety. They meet all that is required, but suggested to do a lot more. The report from the municipal grading schedule states that Warren does not have the manpower. He is worried about paying a fire department and the taxes. Sprinkler system do fail and they don't put fires out in the roof etc. Mayor Sordillo further discussed minimum requirements in construction and issues with them and Warren's rating.

Mr. Gallic stated they did a great job in the design compared to the last time. He feels the neighbors like it better than alternative uses. Mr. Toth likes the design but is concerned with traffic and safety. Mr. Freijomil feels it is the lesser of the evils that could be there and he likes the design and modifications. His main concern is traffic and would like to see another traffic study. Mr. DiBianca thanked the Shelter Group for working with the board. He was still concerned with the fire safety and traffic. He lives near the Chelsea and sees minimal traffic there.

Mr. Villani stated that the traffic issue is out of our control and the road is a north\ south corridor. He is concerned about the Mayor's concerns and feels there is a middle road. He wants a condition that says the Shelter Group will work with fire safety personnel, Tom Byrne. Also Mr. Chadwick and Mayor Sordillo will have input to the proposals or recommendations.

Mr. Pantel agreed that the condition is acceptable and would like to get it resolved promptly, because they need to proceed with construction plans.

Mr. Villani set a 30 day time period. Mr. Villani gave a motion with the conditions and asked Mr. Siegel to give the conditions. Mr. Siegel stated the conditions are housing affordability note, Board of Health, Sewerage Authority due to revised plans, and what was just discussed with regard to fire safety.

Motion by Mrs. Smith, second by Mr. Toth to approve the site plan.

Roll call.

For: Mr. DiNardo, Mr. Kaufmann, Mrs. Smith, Mr. Toth, Mr. DiBianca, Mr. Freijomil, Mr. Villani

Against: Mayor Sordillo, Mr. Gallic .

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**Warren Township Planning Board Minutes
May 13, 2013 Page 9**

**CASE 3- Case # PB13-01
Block 201, Lot 2**

**Applicant: Warren Township/Watchung Hills Wrestling Association
Owner: Warren Township Board of Ed
Location Mountain Ave & Stirling Rd.
Type: Minor Subdivision/Prel and Final Site Plan
Actionable**

PROPOSED: Applicant proposes minor subdivision of a lot containing approximately 16.14 acres with the proposed subdivided lot of 1.22 acres to then transfer to Township of Warren and to lease to Wrestling Assoc.. Proposed construction of a 6600 SF metal indoor recreational facility on the subdivided portion. This will also include a gravel parking lot, site light, and stormwater and landscape features. The property is located in the R-65 zone and is surrounded by school property.

Was carried to a later meeting, tentatively June 10, 2013.

**Warren Township Planning Board Agenda
May 13, 2013 Page 3**

■ **CITIZENS HEARING (Agenda Items)**

■ **SCHEDULE OF NEXT MEETING:**

June 10, 2013

■ **ADJOURNMENT**

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