

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
August 12, 2013  
APPROVED**

**CALL TO ORDER** Meeting was called to order 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	Mrs. Smith
Committeeman DiNardo	Mr. DiBianca Alternate #1
Mr. Toth	Mr. Freijomil Alternate #2
Mr. Gallic (arrived 7:55)	Mr. Villani
Mr. Kaufmann	
Mr. Lindner	
Mr. Malanga (excused)	

■ **Announcements:**  
None

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

Motion was made by Mrs. Smith, seconded by. Mr. DiBianca to approve the July 8, 2013 minutes.

Roll Call

For: Mayor Sordillo, Committeeman DiNardo, Mr. Kaufmann, Mrs. Smith, Mr. Toth, Mr. DiBianca.

Against: None

■ **Adoption of RESOLUTION**

**Bank of America PB13-02** Minor Site Plan B 88.04 lot 1.03

Applicant was heard and considered at public hearing on June 24, 2013 at which time the Board rendered its decision to approve the application with conditions. This resolution is intended to memorialize same in accordance with N.J.S.A 40:55D-10(g)(2).

Motion was made by Mr. Lindner, second by Mr. Toth to memorialize resolution.

Roll Call

For: Mr. Kaufmann, Mr. Lindner, Mrs. Smith, Mr. Toth, Mr. Villani.

■ **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**

The New Jersey Planner, May/June 2013 Vol. 74, No. 3

- **CITIZEN'S HEARING (Non-Agenda Items only)** Seeing none this portion of the meeting was closed

■ **REVIEW OF APPLICATIONS**

**CASE 1- 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.

Mr. Joel Cohen introduced himself as the attorney for the Wrestling Association and Mr. Jeff Lehrer introduced himself as representing the Township and made some brief introductions on the site plan/application. The Board of Education is limited in its ability to enter into a long term lease (can enter into a 5 year lease), but the Township can enter a longer lease (25 year lease, with options). Mr. Lehrer introduced Exhibit 1, a colored rendering of the site plan and spoke about the plan. He showed the general layout and subdivision. The Board of Education will

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transfer the entire lot over to the Township by a quit claim deed and then the Township will subdivide (minor), with the town will retaining the smaller area (for the wrestling facility). Then the Township will enter into a long term lease with the wrestling association as the owner of the parcel to allow it to construct, maintain, and use the facility.

Mr. Lehrer turned the site plan aspect over the Mr. Cohen. Mr. Villani clarified that the application had it marked that this was a use variance, but that was not the case. Mr. Cohen introduced Mr. Streker, the engineer for the applicant. Mr. Siegel swore in the two witnesses (Mr. Streker, engineer and Mr. Matt Saum, trustee and liaison to town) for the applicant, and Mr. Chadwick, and Mr. Kastrud.

Mr. Streker presented his credentials for the board. He is a 1997 graduate of Stevens Institute of Technology, a licensed professional in New York and New Jersey and has worked predominantly on site plan development and has appeared in numerous boards /Planning Boards. Mr. Villani accepted Mr. Streker.

Mr. Streker brought in exhibit A-2, an aerial view of the property dated August 1, 2013. The property is on the southeast corner of Mountain Ave and Stirling Rd. It is the Woodland School tract. It is 16.1 acres located in the R-645 district. Mr. Streker further discussed the site and proposed building and parking lot. There is a portion of wetlands adjacent to the portion of the property they would develop.

The portion that they would like to subdivide for development is 1.22 acres, which would leave the remainder at 14.89 acres. They propose easements for access, and utilities. They propose a new 6600SF facility, 110 x 60 feet. It is compliant with the setbacks of the proposed lot. The design minimizes impervious surface and limits changes to storm water management. Mr. Streker discussed the wetlands and working with the DEP and the site characteristics, and that the site complies with DEP regulations, therefore there was no changes to the plan necessary. They will submit for a permit with the DEP. The Sewer Authority has approved the application, and there are no issues with utilities. They will introduce 260 plantings around the site, for screening headlights and glare. The parking lighting is a flat lens and focused straight down on the ground and there is no spill off beyond the property.

Exhibit A-3 is the floor plan for the proposed facility dated February 9, 2012.. The building is a metal structure on a concrete slab and is strictly for mat activities. There are no showers proposed, no kitchen.

Mr. Streker stated the parking would be for 44 spaces and is compliant for the facility. Mr. Cohen asked about the Board of Health and the suggestion for showers and security cameras. There are no showers and no proposed cameras, if needed they would consider.

Mr. Gallic arrived at 7:55.

Mr. Chadwick brought up the fact that the township does exempt itself from requirements of the site plan and its standards. The Wrestling Association and Board of Education has worked hard for a lot that worked for the public.

Mr. Villani asked if there was any public present that would like to speak on the application. Seeing none, he suggested time for the board members questions. Mr. DiBianca asked about the lease here and why this site. Mr. DiBianca asked if the high

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school would use the facility. Mr. Cohen stated that the facility would be open to other organizations as long as there was not a scheduling conflict.

Mr. Lindner asked about what programs might be done here. Mr. Saums stated with the Wrestling Association there were approximately 100 families involved. The programs would be mat related, and wrestling all year round. There may be clinics or camps, as long as the groups have proper insurance, and agree to maintain during use. The program is K-8, but could have older participants for clinics.

Mr. Villani asked about installing cameras. Mr. Saums stated it is not proposed or budgeted. Of course, they would if there was any criminal mischief and it is a locked facility with limited keys.

Mr. Cohen closed with the benefits to the Township with additional recreational opportunities to the residents.

Motion was made by Mr. Lindner, seconded by Mrs. Smith to approve the application for the facility.

**Roll Call**

For: Mayor Sordillo, Committeeman DiNardo, Mr. Gallic, Mr. Kaufmann, Mr. Lindner, Mrs. Smith, Mr. toth, Mr. DBianca, Mr. Freijomil, and Mr. Villani  
Against: None.

**CASE 2 - Case #: PB-12-08  
Block: 53 Lots 1.06 and 2  
Road: Mount Horeb and Dock Watch Hollow  
Minor subdivision with variances**

**APPLICANT: Paulo J. Varino and Rafal Imiolek  
OWNER: same as above**

**LOCATION: 68 Mount Horeb and 98 Dock Watch Hollow**

**PROPOSED: Lot reconfiguration. A portion of Lot 1.06 to be added to Lot 2**

**Actionable**

Mr. Murray reviewed the end of the last meeting about the merger doctrine and went over his memo and that he determined that the merger doctrine did not apply because the lot for this hearing was not created by a filed map. Mr. Siegel suggested Mr. Chadwick respond. Mr. Chadwick stated that they would not pursue the Loechner/Campolli merger issue with this application.

Mr. Villani wanted to go over the case as he had missed the last meeting but had read the minutes and listened to the tape. He asked about the conclusion of the last meeting and if the residents have asked their questions. Mr. Villani asked the

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audience if there was anyone who wanted to ask anything. Mr. Chadwick clarified that there would be testimony and time for comments from residents.

Mr. Murray told the board about the August 5, 2013 decision (in Bay Head) and feels it would be relied on for Mr. Murray's analysis of this case. Mr. Murray discussed that it did not have frontage on a roadway. The applicant is seeking relief by Section 36 of the land use code. Mr. Murray further discussed the Bay Head case and compared it to this application.

Mr. Gallic mentioned that the Bay Head may be under CAFRA standards. There was further discussion of the case in Bay Head and its driveway. Mr. Murray also brought up the Hwang case in Warren Township with a 500 ft. driveway off of Hillcrest Blvd that was approved and presented some of the history of that case.

Mr. Gallic has not seen that this applicant has a buildable lot. Mr. Villani reminded all that each case has to be decided and judged on its own merits. Mr. Murray wanted to make sure if anyone has questions on what is presented tonight they can ask them.

Mr. Murray recalled the engineer, Mr. Steve Parker, who had been sworn in already. Mr. Murray asked about any steps Mr. Parker had taken on the issue of surface water runoff. Mr. Parker stated he had visited the site to investigate some of the comments. Mr. Parker walked the property and the school property. He feels a lot of the issues are from the school property (and observed water running), including the parking lot, and the swale along the back, which are backing up to the Wychwood Way properties and going into them. He did not observe any water from the subject properties. There was further discussion on the slope of the subject properties and the school properties, and possible runoff issues. The lots on Mount Horeb do drain from north to south to the back of those lots (Wychwood Way lots).

Mr. Murray asked if the subject lots were different from other lots/standards. Mr. Parker said no, they would meet coverage requirements and not exceed impervious coverage. There was discussion about engineering and township standards and review process. Mr. Parker stated they would meet all those standards and reviews. Mr. Parker feels lot 2 is a buildable lot but does not have the width and the lot line adjustment would improve lot 2, by eliminating a lot size variance, but the width variance would still be there. There was discussion on width and street access.

Mr. Murray asked about the need for access to provide safety ingres and egres from it. Mr. Murray asked what is being provided to do that. Mr. Parker stated that the access is through lot 1.06 and safer than the Dock Watch Hollow flag pole. The width measurement of the driveway is proposed at 18 feet wide at Mount Horeb Rd. and then up to the house on lot 1.06 still 18 feet wide, then after the home it would go down to 12 foot wide drive, standard for a single family home. Mr. Parker went over the Fire Dept. report on the site and the safe access. The fire dept. proposed that the building be sprinklered. Mr. Parker felt the applicant would be willing to do that, and one fire vehicle could get down the driveway. Mr. Murray compared the Bay Head case and its decision that one truck being able to get in was adequate and the proposed access was 20 feet wide and 500 feet long.

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Mr. Parker went over that the driveway would be paved where it is shared, from Mount Horeb to the house on lot 1.06 and then gravel to the proposed house. No curbing is proposed and discussed curbing and channelling water to the proposed lot and the wetlands. There would be overland flow (without curbing) towards lot 2. Mr. Parker stated that the use of drywells is how to not increase runoff and they are proposed. The detailed design for drywells has not been done because the size of the house is not determined and it will be reviewed by the Township Engineer when a building permit is submitted. The building lot as shown is sufficient for setbacks. There was further discussion on access via the easement through 1.06 or the 10 foot flag pole through to Dock Watch Hollow. It is not a good alternative for the flag pole, and it is about 800 feet, 10 feet wide. If the access is not through the easement on lot 1.06, it is not a buildable lot. Mr. Murray brought up the Supreme Court and a decision about a lot being determined as useless and puts it subject to compensation. Mr. Murray asked about surrounding lots and that it is 1.5 acres zoning surrounding and Mr. Parker stated that it would exceed the lot size requirement. Mr. Murray asked about the garage location and Mr. Parker stated the garage would have direct access to the easement area. Utilities are available and the Sewerage Authority has granted approval, along with the Board of Health. Somerset County approval is required and an application has been filed. The LOI is required and there are wetlands on lot 2 in the back. The wetland boundary lines have been delineated and confirmed by the DEP through a LOI and statewide general permit has been issued by the DEP for connection of the sewer line for those houses to the sewer main that exists at the southerly end, the back of the property. An additional permit will be required, an averaging approval will be required to construct the house where it is shown now. They will do the permitting if the application is approved.

Mr. Murray brought up tree removal and Mr. Parker referred to page 3 of the plans where the tree line is shown and the proposed home will require some trees removed. Because of the wetlands there will be about 150 foot buffer from the rear property line to the limits of the clearing proposed. (from Wychwood Way properties) There was discussion on the Tree Ordinance and replanting that would be required. If limited in performing the obligation of tree replacement on the subject property, there is normally compensation or planting on other properties (off-site) and it is routine.

There was discussion of the access onto Mount Horeb and the site distance is several hundred feet. There is a fire hydrant near Spencer Ln to the west of the property.

Mr. Gallic asked Mr. Parker if he thought he could build a home on 450SF. Mr. Parker does not believe you can. Mr. Gallic stated that the building envelope is 30 x 30 and calculates to about 450SF on the existing lot. There was further discussion on the existing lot and the building envelope.

Mr. DiNardo asked if they looked at the driveway going down the Dock Watch Hollow due to the water runoff issues and capturing the water out to Dock Watch. Mr. Parker stated the clearing would be tremendous. Mr. DiNardo brought up the drainage benefit possibility. If Dock Watch is at a higher elevation, it would not work.

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Mr. DiBianca asked if the application was approved would there be any change in the flag pole. Mr. Parker felt it would be the same and in the ownership of current owner. Mr. Murray stated the applicant would deed a conservation easement for that entire strip. Mayor Sordillo feels the property needs to be protected for the adjoining owners, and perhaps a quit claim deed to those properties would be better. The board may grant the lot with the idea of a smaller lot, with the section being quit claim deeded to adjacent properties.

Mayor Sordillo brought up a place in town where owners were riding ATV and they had discussed putting restriction on where they could ride them relative to property line. They did not go through with it because residents did not want restrictions on what they can do. There was discussion on using the flag pole and possibly taking trees down without permits. Mayor Sordillo wants strong restrictions on that property.

Mr. Murray feels a hiking trail would not be a good thing there. Mr. Murray stated they are willing to put restrictions on the flag portion.

Mr. Gallic asked about the front yard setback being on the side yard. The house direction is changed. Mr. Chadwick said the plan shows 25 foot setbacks because the front yard is on the adjoining lot, only has lot width at the setback and no street frontage. The buildable area is setback 25 feet. The house is suppose to face the front. Mr. Chadwick stated it doesn't comply.

Mr. Villani wanted to ask the engineer about one fire being on the scene and wanted him to clarify that. Mr. Murray brought up the Supreme Court case that held up that one truck is adequate. Mr. Villani did not want to go into that case and he does not agree that one truck would go to a scene, there would be other emergency vehicles. There are many kinds of fires and fire scenes and Mr. Villani does not feel one truck access is enough.

Mayor Sordillo stated that fully sprinklered homes historically have never had a loss of life in the country. Mr. Villani wanted to clarify that they will put in a sprinkler system and it was agreed upon earlier. Mr. DiNardo brought up access in Warren on narrow driveways for emergencies and loss of life. There was more discussion on fire trucks and access and backing up.

Mr. DiNardo asked about curbing the driveway all the way down and containing that shedding of water that comes off the driveway. There was more discussion on speed of flow and drywells, and testing for water table.

Mr. Villani called for a 5 minute break at 9:04.

Meeting was called back into order at 9:10. Mr. Villani announced that the third case would not be heard that evening. The applicant, Mr. Jamieson, decided to carry the case to the next meeting, August 26, 2013. A neighbor stated they would not in the country and asked about carrying it farther out. Mr. Villani felt to leave it to the applicant as it would be unusual to carry it for one person. There was discussion as to whether or not the neighbor could send an agent to represent her interest. Mr.

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Jamieson wanted to carry it to the August 26, 2013 at 7:30 p.m. at 46 Mountain Blvd. without further notice. It was determined that the resident could give comments at the end of the meeting.

Mr. Murray then called Paul Varino to testify. Mr. Freijomil asked about the width of the driveway. Is it 18 feet wide through 1.06 up to the house, but after the house on 1.06 it is 12 feet. The easement is 20 feet. Currently there is curbing on the lot 1.06 driveway. Mr. DiNardo stated it looks like the driveway/curb goes to the end of the garage and makes a hard right going west to the end of the garage. Mr. Parker said the curbing would be changed. Mr. Parker stated there is a k-turn in the back of lot 2. The board asked about the plan and that it has 12 feet width driveway at Mount Horeb, although the testimony given said it would be 18 feet. The plans will be revised. Mr. Varino stated it will be 18 feet on lot 1.06 up to the house. There was discussion on the width being extended into lot 2, and if it would cause more water. Mr. DiNardo had visited the site when it was raining and lot 2 was very wet. There was discussion on the house on lot 1.06 being built, water, and trying to improve the runoff issues. Mr. Gallic stated drywell is not the answer.

Mr. Freijomil brought up Mr. Chadwick's memo and that the lot does not comply in its current condition as a buildable lot. Mr. Murray brought up that it does not have frontage on a public street, section 36 of Land use act, states that in those instances you are entitled to an approval not in way of a variance but by way of establishing safe means of ingress and egress from that landlocked piece of property.

Mr. Freijomil asked about the lot as it is currently and that it is not a buildable lot. Mr. Murray agreed it is not a buildable unless the minor subdivision is approved.

Mr. Kaufmann asked about the reference to if a lot is unbuildable that they are entitled to some compensation. Mr. Murray stated that if it is zoned into inutility, there is a right to compensation and it is to be based upon what it would be worth if it were buildable. Mr. Kaufmann asked where the compensation would come from. Mr. Murray stated that it would come from the town. Mr. Kaufmann asked about the responsibility of the buyer to research the lot. There was discussion about that and it is self-created or not. Mr. Murray stated that they went to a neighbor to obtain enough land to be compliant in the zone. It is 1.2 acres currently (lot 2). There was discussion on nonbuildable and relief from it to increase lot area.

Mr. Murray brought up the water issue. Mr. Freijomil asked about the school and water issues coming from the school property (as per Mr. Varino) and if there has been communication with the school and suggests to speak with the neighbors who are having water issues. Mr. Murray had some photos and brought them into evidence that show water comes from the school site. Exhibit A-8.1 through A-8.7 show water issues in the school property.

Mr. Varino took the pictures earlier in the week at the rear of the subject property (lot 2) and the school property rear. Mr. Varino was on the southeast corner of lot 1.06 and there is a pipe that comes from the school and Mr. Varino thought they were connected to the catch basins and driveways about 28 inch in diameter (A-8.1) The second photo

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is a measuring tape showing it opens up (same location) the pipe is about 28 to 29 inches A-8.2) (taken standing on lot 3). Exhibit A-8.3 is a discharge pipe photo and is taken on the school property further to the east, along the southern property line. Exhibit A-8.4 shows the small stream that does get created from the pipes and it runs along the southerly portion of the school property and there are lots south of there. Mr. Varino also stated they had a trench open for the sewer connection on lot 1.06 so any water runoff from lot 1.06 or 2 was going into that trench and would not get past the trench. Mr. Kastrud was out on July 24 and can give his thoughts on the source. Mr. Kastrud stated that he saw the same issues about the large collection system that comes off the parking lot and the roof system from the school and discharges into the southwestly corner of the school.

Mayor Sordillo discussed the large amount of water that would be discharged from the school and the issues for the neighbors. Mr. Kastrud felt that the water is not flowing westerly so Lots 7.01 and 7.02 are not affected by it. There was discussion of a gully at the school and its intent. The wall is compromised and causes runoff. Mr. Varino spoke about the trench and water being caught so the water must be from the school. Mr. Villani opened the floor for questions from the audience.

Mr. Ted Clemente from 17 Wychwood Way came up and asked about the water. They have lived there for 15 years and have always had water but it has been significantly gotten worse and will have pictures with mud water coming down from the subject property onto his property and his neighbors. They have never had muddy water until now. His concern is that it will be significantly worse with the new construction.

Mr. Steve Liberti came up from 15 Wychwood Way and asked Mr. Varino if he witnessed the water running down Mr. Liberti's lot, 7.01 and 7.02. Mr. Liberti said it has been wet and has wetlands but never had any water running, a river of muddy water onto the patio and even sheeting across the front yard. Mr. Varino stated there is fresh excavation now, so if there is a problem now, it will be taken care of when it is covered. Mr. Liberti asked if Mr. Varino thinks the water is coming faster because of the minor excavation, and some trees were removed and if more trees are removed for the house how much water will come across (not just behind the school)?

Mr. Parker felt it is from excavation. Mr. Villani suggests that something should be done immediately. Mr. Liberti asked about the many trees that will be cleared and the issues. There was discussion about the trees. Mr. Villani closed the portion of the meeting and carried the case to September 9, 2013 at 7:30 without further notice.

Mr. Villani invited Mrs. Diane Stolbach to give a statement about the Jamieson case that is being carried to August 26, 2013. She lives at 142 Berry Hill Rd. The applicant lives on Stirling Rd., Berry Hill is a dead end road. She continued that his property is five acres and she has barely a quarter of an acre. Berry Hill is basically paved to her driveway and she believes that Mr. Jamieson is applying to do is to cut his property basically in half so it is about 2.5 acres each. The paper street part is woods and she doesn't know if it would be paved or be gravel. She is the only house and then it is township property and then the river. Ms. Stolbach is concerned that this is

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environmentally sensitive zone. No service from town except snow removal (and it is good snow removal). She is not sure how they would carve a street and the trees coming down and roots being protected. It was her intent to speak with her neighbor and find out exactly what they are doing. She was surprised he didn't give an opportunity to be involved. It is very swampy but does not believe she has any wetlands property. They get turtles from the river and wildlife. She feels adding additional traffic, utilities, septic system, garbage trucks, new water well close to the river would not be happening. She had asked Mr. Jamieson if he had any formal plans to build immediately. He had said that he would do nothing for at least a year.

Mr. Villani checked the lot size and it is 4.869 acres in a 6 acre zone. Mrs. Stolbach has looked at the plans and wanted to persuade the board to allow her to cross examine the witnesses. She is the property owner who will be affected by this case. Mr. DiNardo asked if this may create more water. Ms. Stohlbach is not sure if it will be an issue.

**CASE 2 - PB-13-03  
Block: 160 Lot3  
Road: 203 Stirling Rd.**

**APPLICANT/OWNER: Douglas Jamieson**

**LOCATION: 203 Stirling Rd..**

**PROPOSED: minor subdivision with variances**

**Actionable**

This case was carried to the August 24, 2013 meeting at 7:30 with no notice required.

■ **SCHEDULE OF NEXT MEETING:**

August 26, 2013

■ **ADJOURNMENT**

Mr. DiBianca made a motion to adjourn, seconded by Mr. Toth, all in favor.