

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
August 11, 2014
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 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	Mrs. Smith (excused)
Committeeman Marion (arrived at 7:40)	Mr. DiBianca
Mr. Toth (Excused)	Mr. Freijomil (arrived at 7:45)
Mr. Kaufmann	Mr. Gallic (excused)
Mr. Lindner	Mr. Villani
Mr. Malanga (Excused)	

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

July 28, 2014

Motion by Mr. DiBianca, seconded by Mr. Lindner to approve
Roll Call

For: Mayor DiNardo, Mr. Kaufmann, Mr. Lindner, Mrs. Smith, 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
None

■ **CORRESPONDENCE**

The New Jersey Planner, May/June 2014 Vol. 75, No. 3

Warren Township Planning Board Minutes
August 11, 2014 Page 2

- **Resolution PB 1409A** – Award of Contract for Professional Planner for re-examination and update to the Master Plan.

Motion by Mr. DiBianca, seconded by Mayor DiNardo to approve.

ROLL CALL

For: Mayor Dinardo, Mr. Kaufmann, Mr. Lindner, Mrs. Smith, Mr. DiBianca, Mr. Villani

Against: None.

- **CASE No. 1**

Case #: PB-14-02

Block: 85 Lot 15.03
Road: 123 Old Stirling Rd.
APPLICANT: Wolf Owens/Stirling Pond LLC

LOCATION: 123 Old Stirling Rd

PROPOSED: 3 lot subdivision

Mr. Joseph Murray introduced the case and Mr. Siegel swore in the witnesses; Mr. Kastrud (Township Engineer), Mr. Chadwick (Township Planner), Ms. Susan Owens, Mr. James Higgins, Mr. Craig Stires.

Mr. Chadwick discussed a basic issue with the application that had to do with one of the regulations of Warren Township that is in Chapter 15. The Township requires no less than six lots to front on a cul-de-sac. Mr. Stires and Mr. Chadwick discussed this regulation and the RSIS, Residential Site Improvement Standards. Mr. Chadwick contacted Mr. Leggo at the Community Affairs office who provides interpretation to what the RSIS covers. Mr. Leggo stated that RSIS trumps the Warren regulation for six lots on a cul-de-sac. You can have one or up to 24 lots on a cul-de-sac. Mr. Chadwick mentioned his report of July 15 (referred to a yield map and that it did not comply with the six lot regulation) is not current. So, two plans will be presented to the board, one is a plan drawn to show variable lot size provision (from ordinance 16-11.6). It is three lots with variable lot size and are classic flag lots. The other will show a 3 lot subdivision to show the required area for R-65 (compliance yield map), . The Planning Board makes the determination if the variable lot size is preferable development to the standard lot layout.

The second plan is a prohibited plan because of the flag lots. Mr. Murray asked Mr. Chadwick about the ordinance that was put into place prohibiting flag lots and when it was adopted; he thought it was after the application was filed. Mr. Chadwick did not believe it was, although the prior ordinance stated that flag lots were highly discouraged. Mr. Chadwick stressed that the board should look at

Warren Township Planning Board Minutes
August 11, 2014 Page 3

the fundamental issue of whether the planning board believes the standard lot layout or the variable lot layout is preferable.

Mr. Murray wanted clarity on the flag lot ordinance and that the case was filed before the ordinance was in place. There was further discussion on the six lot and RSIS usurping the standard. The six lot requirement was a design standard and not an ordinance

Mr. Villani stated the board will not be concerned with a six lot subdivision in this case. Mr. Chadwick felt the issue is if the board determines which design is most beneficial to the municipality.

The board may decide it prefers the two flag lots with shared driveway and the other with its own driveway and variable lot size or the one with a cul-de-sac and three lots. And if the board decides it prefers the plan that is right now just a yield map that would be complying with area, RSIS, etc., then the applicant would have to resubmit showing the roadway, houses, etc.

Mr. Murray stated that they were there to promote the variable lot size plan. Mr. Chadwick stated the board needed to make a decision on which plan they prefer.

Mr. Siegel asked if Mr. Murray is contesting the applicability of the ordinance prohibiting flag lots. Mr. Murray stated the ordinance is not binding as they filed before the ordinance was in place. Mr. Murray stated Mrs. Vautin said it was in before the ordinance was in place. She agreed. Mr. Chadwick reminded the board that the previous ordinance stated flag lots were highly discouraged.

Variances are needed for both of the plans. The frontage is less than the frontage requirement.

Mr. Murray called Mr. Craig Stires as the first witness. Mr. Stires introduced himself and his credentials, and he was accepted by the board.

Mr. Stires went over the exhibit A-1, an aerial of the vicinity around 123 Old Stirling Rd. The property was outlined in red, it is north of Reinman Rd., west of Old Stirling. It is 4.93 acres with a large pond on it that was made in the early 1960s. There is an existing house and it is about 13 feet from the right of way, and an additional cottage on the property. Driveways comes in at two spots and there are some out buildings. The choice for design was to keep the pond, although there is a wetland permit to fill the pond. They would like the new three houses to all enjoy the pond. Two of the houses would have a single driveway off of Old Stirling Rd. and the other one (closer to Old Stirling) would have its own driveway. He went over where the new houses would be. There would be two stems to the flag and both would be 25 feet (right next to each other). Mr. Stires brought in exhibit A-2, Colored landscape and tree removal plan. (it is a colored page 6 of 9 in the submitted plans) There was further discussion of the stems of the driveway, and there would be an easement for one of the lots. If it was a cul-

Warren Township Planning Board Minutes
August 11, 2014 Page 4

de-sac the required width would be 20 feet. With either plan the appearance from Old Stirling would be the same. The difference would be if it is a cul-de-sac it would be a public street, if it is a flag lot it is a private driveway.

Mr. Freijomil asked why the applicant is going for the flag lots and not the conforming plan with a cul-de-sac. Mr. Stires stated Ms. Owens prefers to keep the pond, so it is cul-des-ac versus pond. Mr. Lindner asked why the cul-de-sac does not work with keeping the pond. Mr. Stires felt with the bulb of the cul-de-sac it would disturb the pond. Mr. Lindner suggested bringing the bulb farther into the property, past the pond. Mr. Stires put up the cul-de-sac (yield compliance plan) to go over the cul-de-sac and possible encroachment. This could also affect the lot width.

There was discussion about the 400 foot driveway and that a cul-de-sac may be safer for fire and emergency situations. There was some discussion as to turn around ability. There is a fire hydrant at the end of the driveway proposed. Mr. Villani brought up that in other cases it was discussed about people parking in the way of emergency vehicles with shared driveway.

There was further discussion on the lot yield compliance plan and it possibly being the preferred plan and if so it would have to be more fully engineered.

There was discussion on the depth of the pond. Mr. Lindner asked about the permit to fill the pond. Mr. Stires stated it is a man-made pond and not a water of the U.S. He also said they went to EPA (along with DEP) to confirm that it is not a water of the U.S. Mr. Stires believes the pond is fed overland.

There was discussion on preserving the pond with the cul-de-sac, even with modification to either the cul-de-sac and/or the pond. And some possible effects to the pond with modifications.

There was discussion about easements with the cul-de-sac and the right of way. Mr. Murray asked if the pond would be dedicated to the Township; it would not. The maintenance would be the responsibility of the three homeowners of the properties. The pond would be essentially the detention basin, currently there is no outlet but there would be one with the subdivision. They believe the pond is 10 or 11 feet. Mr. Freijomil asked about safety, such as with pools. There was some discussion on what the owners could do and what is safe.

There was discussion as to whether the house closest to the Old Stirling Rd share the driveway. The existing drive already accesses the Old Stirling Rd. twice. There are some trees along the property line and provide some buffer. There is no curbing proposed with the driveways and they will be paved. The width of the stem is 25 feet, and the driveway is 20 feet, which is required by RSIS. There was discussion on the slope/steepness of the driveways. Mr. Murray pointed out that the subject lots meet the variable lot standards. The flags are the variance and the width is measured at the required front yard setback. If a cul-de-sac went in the width would be measured where the front

yard setback off of the cul-de-sac . The Township might accept the street and if it did it would have obligation to its maintenance. With flag lots the two rear lots would share the (their driveway) maintenance and the overall storm water management would be shared by all three.

Mr. Murray discussed the buffering to other neighbors. There is no sight distance issue. Mr. Murray asked Mr. Stires to show this on exhibit A-1 and some of the buffering that is in place. The lots would be serviced with water and sewer (approved).

Mr. DiBianca asked Mr. Stires to give the positive and negatives of the plans. Mr. Stires stated that a typical builder would fill the pond and would have the three lots. He feels it is a good thing that this developer is being environmental sensitive. Also, he asked if the town wants another road or not and that with either plan the appearance from Old Stirling Rd. will be the same. Mr. DiBianca asked about garbage and recycling pickup, it would be at the end of the drive at Old Stirling Rd., if it was a cul-de-sac they would come in to the private road. Mr. Freijomil asked if the man made pond is a positive, how beneficial, and if there is an issue with the fire equipment getting in the flag lot driveways. Mr. Villani brought in the Fire Chief report with the sprinkler system recommendation. Mr. Stires believes that was before the hydrant was proposed at the driveway.

Mr. Villani brought up that the driveway could be blocked, not plowed, and it can be more dangerous for the residents. He is not sure if the pond positive outweighs the detriment.

The applicants want to keep the pond with or without the cul-de-sac. Mr. Chadwick reminded the board that there are smaller pieces of property that are unusual in shape. The proper utilization needs to be considered, in this case they are entitled to be three lots. Mr. Marion brought up pushing the cul-de-sac 50 feet and keeping the pond more intact. More information should be considered on the pond and the engineering for the cul-de-sac plan.

Mr. Lindner thinks it may be more of a marketing tool than a benefit of having a pond. Mr. Freijomil likes the cul-de-sac layout and feels it is a superior layout, and takes care of the turn around issue and plowing issue.

There was discussion on taking a poll. Mr. Chadwick reminded the board it is a decision for cul-de-sac or the flag. Mr. Murray was concerned that they would take a vote before they heard the applicant's Planner.

Mr. Villani called for a break at 8:50. Meeting was called back to order around 9:00 p.m. Mr. Murray stated that during the break he spoke with the applicant and there is a proposal to consider. They think they could (per Mr. Stires) compromise between by pushing the cul-de-sac beyond the limits of the right of way into an easement. This would get a cul-de-sac and the preservation of the pond. The cul-s-de-sac would be dedicated to the town. Mayor DiNardo brought up that the town doesn't have to take it that it could be a private road. Mr. Murray feels a revised plan would have to be presented.

Warren Township Planning Board Minutes
August 11, 2014 Page 6

Mr. Chadwick stated it is either the standard plan (compliance lot plan) or the flag lot. Mr. Kastrud feels safety could be one issue and if it (the pond) is kept then it would be investigated. It is private property and not open to the public. Mr. Kastrud stated there would be an easement (dedicated to the Township) around the pond as it is part of the drainage system to give the right to modify or address issue if necessary but not an obligation.

Mr. Stires stated the revisions to the plan wouldn't change them significantly. The plan would be refiled as a major subdivision because of the road improvements, per Mr. Chadwick. There was questions from Mr. Kastrud about keeping the sanitary/utilities in the right of way. There will be a checklist for the major subdivision and will include waivers, and some fees.

Mr. Chadwick feels the board needs to vote on either the conforming plan (compliance lot plan with cul-de-sac)(with new plans to be submitted) and the flag lot plan with variances in lot size (and the hearing would continue).

Revised plans are needed 10 days prior and they applicant would have to renotece. Mr. Siegel suggested that the board vote yes or no on something in front of the board. No straw polling or advisory votes are permissible. Or the applicant withdraws without prejudice and starts over with a different application. Mr. Murray asked if the hearing can continue, modify the plans, renotece, rather than withdraw.

Mr. Chadwick asked when they might be able to complete the plans. The second meeting in September is the 22nd and the plans would have to be in by the 12th. Mr. Stires agreed with those dates.

The decision to be made under the ordinance is a vote on a preferable plan as a standard layout or the flag lots that are the plans prepared now. Then there will be a hearing on the details (if prefer the standard layout) of the new plans.

There was further discussion on the process going forward. The hearing will be continued and will preserve the application and amendments and revisions will be submitted.

Motion made by Mr. DiBianca, seconded by Mayor DiNardo to ask the client to proceed with the standard layout as opposed to the flag lot layout that was presented and subject to submitting plans as a major subdivision.

There was some discussion as to whether the flag lot plan would be considered again. It would not consider the flag lot with this case.

ROLL CALL

For: Mayor DiNardo, Committeeman Marion, Mr. Kaufmann, Mr. Lindner, Mr. DiBianca, Mr. Freijomil, and Mr. Villani.

Against: None.

■ **CITIZENS HEARING (Agenda Items)** None.

■ **SCHEDULE OF NEXT MEETING:**

August 25, 2014, September 8, 2014

■ **ADJOURNMENT**

Motion made by Mayor DiNardo, seconded by Mr. DiBianca. All in favor.

Adjourned at 9:35.