

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
October 27, 2014**

Approved

CALL TO ORDER Meeting was called to order at 7:30

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 (excused)

Committeeman Marion (excused)

Mr. Toth

Mr. Kaufmann

Mr. Lindner (excused)

Mr. Malanga

Mrs. Smith

Mr. DiBianca

Mr. Freijomil

Mr. Gallic

Mr. Villani

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

September 22, 2014

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

Roll Call

For: Mr. Kaufmann, Mr. Malanga, Mr. toth, Mr. DiBianca, Mr. Freijomil, 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

■ **CORRESPONDENCE**

The New Jersey Planner, July/August 2014, Vol. 75, No 4,

Warren Township Planning Board Minutes
October 27, 2014 Page 2

■ **CITIZEN'S HEARING:** (Non-Agenda Items Only) Seeing none the chairman closed this portion of the meeting.

■ **Resolution PB 14-06** – Rootapedia Preliminary and Final Site Plan application was heard and considered at public hearing on September 22, 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).

Motion by Mr. Kaufmann, seconded by Mr. Toth to approve.

■ **ROLL CALL**

For: Mr. Kaufmann, Mr. Malanga, Mr. toth, Mr. DiBianca, Mr. Freijomil, and Mr. Villani.

Against: None.

■ **CASE No. 1**

■ **PB14-02 Block 85 Lot 15.03**

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 major preliminary and final subdivision

Mr. Joseph Murray opened the testimony and Mr. Siegel swore in the witnesses, Craig Stires, the applicant's Engineer, Susan Owens, the applicant, Mr. John Chadwick, the Township Planner, and Christian Kastrud, Township Engineer.

Mrs. Smith asked about not being at the last meeting and if this was a new case as it is now a major subdivision. New plans have been submitted that include removal of the pond and the driveway roadway. Mr. Siegel stated it can be treated as a new case.

Mr. Murray asked Mr. Stires to explain the changes. Mr. Stires brought in a colorized version of the previous application with an overlay of a new plan. The exhibit was marked Exhibit A-1. The overlay is Exhibit A-2. Mr. Stires explained the application with no variances, and three conforming lots, the roadway is 20 feet wide and meets RSIS requirements. Mr. Stires spoke about the plan and the previous plan. The previous plan left the pond and the lot up front on Old Stirling Rd, and then the other two lots with a flag lot. The proposed driveway was in one of the stems and the driveways would split off to the lots. A conforming layout was presented at the earlier meeting and the board preferred it. The project is redesigned. Exhibit A-2 shows the overlay to show the difference between the two plans. The revised plan is conforming and there are no variances with a cul-de-sac, with a forty foot right of way coming into a cul-de-sac with a 20 foot road and meets the RSIS requirements. There were some variances on the original plan.

The homes will be on public water and sewer. The sewer approval is complete. Mr. Murray asked about any state approvals and Mr. Stires spoke about the wetland interpretation that they acquired. Mr. Stires also stated that they had applied for a general permit and received it from the DEP to fill the pond. They also submitted for Flood Hazard determination regarding the pond. Mr. Stires stated that DEP considers it a man-made feature so no buffers are required and they are able to fill the pond.

Mr. Stires stated that if the application is approved they would drain the pond and he would expect it be allowed to dry and then excavate a layer off the pond and then subsequent to that it would be filled with structural material. Mr. Murray asked about how the pond drains now. Mr. Stires explained that it doesn't really drain but it overflows in multi directions. When the water would be drained if it is developed the water would go to the storm sewer in Old Stirling Rd. It would be pumped out. Mr. Murray asked if they knew what the source of the water is. Mr. Stires believes it is overland. Mr. Murray asked about the possible fill material for the pond. It would be clay or a shale material and brought up until raised. There was further discussion on fill and settling.

Mr. Gallic arrived at 7:44.

Mr. Stires discussed the roadway, it will be 20 feet and it will be paved with curb on both sides. Mr. Murray asked if it is intended that the roadway be dedicated to the Township. Mr. Stires said yes and explained that the applicant proposes it as a public road. The benefit for having it dedicated to the Township is it is more efficient if completed by the Township. Previously it was presented as a private driveway and the board indicated that they wanted a public road.

Mr. Stires went over Mr. Chadwick's report of October 22, 2014. They discussed that the minimum lots on a cul-de-sac is no longer subject to the number of houses. The right of way and the property line are the same. The driveway is offset slightly within the right of way to keep some distance from the neighbor.

Trees are proposed along the roadway on both sides. There are other tree plantings in the basin and some on the proposed property lines.

Mr. Murray brought up a police report that was concerned with ability to maneuver in the driveway. The fire department asked for the addition of the hydrant in the cul-de-sac and all hydrants should meet the water flow requirements of Warren Township Fire Department. Mr. Stires went back to Mr. Chadwick's report. The storm-water management for the project is presented with all three lots being developed. Mr. Stires brought up Mr. Chadwick's report and whether the street will be public vs. private. Mr. Murray reiterated that his client prefers a public street. There was discussion on this and the value and problems of both. Some owners might not keep the road up to standards if private but it is expensive for the town to maintain and plow. Mr. Murray discussed the values of the homes and impact if there is a private road. Mr. Freijomil questioned the basis for that idea of value and private vs public road.

Mr. Villani disagreed concerning private roads and issues. The Promenade has private roads and there are not the problems suggested. If the association and the responsibilities are clear and money is set aside, there should not be issues. Mr. Murray suggested that a smaller group of homes may have more problems with maintenance of roads.

Mr. Chadwick interjected that Mr. Stires made a conclusion that the Township preferred a street versus driveways. The reason was more fundamental than that on the last proposed plan. The Township has always been adverse to flag lots. The fundamental reason for that is that a lot of lots are oversized with 150ft frontage and 800 ft depth and the town established that cul-de-sac rule believing that we would not use up every single square foot of the township for lots. The development of properties with private streets will to some degree either create exclusivity or deter from the two lot combining together with a back lot and building a house on it. That was the real underlying subject of the prior hearing. It wasn't driveways, it was more to highlight the fundamental standard the town has with no flag lots and cul-de-sac being six or more

Mr. Chadwick brought up that many towns nearby have private streets and even Watchung has many private streets and Harding has very few public.

Mr. Gallic asked about the driveway/roadway being 20 feet wide with curbs and the difficulty to have two cars to pass and maybe it would be more beneficial not to have curbs and what that impact would be to the drainage. Mr. Gallic stated 20 feet is a standard for a farm road and is not a curbed road. Mr. Stires spoke about other applications with a curb road and when people go off the road (without a curb) they go into the swales and it gets rutted up and with curb it also helps with the grading. Mr. Gallic stated it should be wider or no curbs. There was discussion to make it a flatter curb or make it wider.

Warren Township Planning Board Minutes
October 27, 2014 Page 5

Mr. Freijomil brought up the Police Department report and safety. There is an example of a fire truck in the report and concern also for other emergency vehicles and turning around. Could a truck turn around in the cul-de-sac. Mr. Stires responded they could; it is a 40 foot radius and a standard.

Mr. Murray discussed the road may be subject to some modifications; no parking on the street and possible change to the curbing.

Mr. Villani asked to continue and go over Mr. Kastrud's report. Mr. Kastrud addressd his report and discussed about the DEP permit to fill the pond. He asked to go over the DEP permits received. Mr. Stires stated they did get an LOI, secondary to that they wanted to keep the options open about the possibility of filling the pond, so they applied to the DEP to fill the pond in its entirety. They did not have this specific roadway, the roadway showed a road that went through the pond. They (DEP) issued a general permit. The condition was a mitigation related to the wetlands of approximately \$135,000. Subsequent to that they discussed the matter with the EPA and the EPA looked at the application and determined that the pond was not a water of the state but a man-made pond. So they returned to the DEP with that determination and the DEP waived that mitigation condition. They have the right of filling the pond without any mitigation. They applied for Flood Hazard Determination, determined no buffers, and it is not a water of the state, they have no jurisdiction. So they have right to fill the pond either way.

They have provided the DEP documentation. It is also in the documentation with the Board of Health application just recently submitted. Mr. Stires stated it is a man- made pond. Mr. Kastrud asked if it is known why it was made or how it is filled. Mr. Stires believes it appeared in the early sixties (looking at historical photos). Mr. Stires feels it looks like it was a farm pond, it went from nothing around 1962 to a pond in around 1967. Mr. Kastrud asked if they knew the size of the drainage area for the pond. Mr. Stires felt it was less than 50 acres, Mr. Stires felt the drainage area is just the lots that are part of the application. The applicant has had to fill the pond by hand to fill it up in the past (by hose). There was discussion on whether or not it might be spring fed and how to work with the pond. Mr. Villani would like more clarity. Mr. Toth stated that the pond could fill up partly by spring and not all the way. But if it is drained and it comes back up you would know it was spring fed. Mr. Gallic stated that the EPA said it was man made and gave them the right to fill it.

Mr. Kastrud is concerned if it is spring fed what you do with the water that will continue. It could be piped. Further discussion continued on the spring and how to pipe it. Mr. Villani wanted to hear Mr. Kastrud's concerns and possible conditions. Two of the homes have part of their basements proposed in the pond area and this could be an issue if spring fed. Mr. Kastrud feels it is a large pond, good looking and didn't know it was manually filled. If it is spring fed you will not be able to build a home on it. There was further discussion on the two homes and the construction issues. It could possibly be piped out from the origination of the spring.

Warren Township Planning Board Minutes
October 27, 2014 Page 6

Mr. Kastrud recommended that the applicant have to come back to prove if it is a spring or not and have an alternative plan for drainage, etc. Mr. Gallic suggested they could drain the pond and see if it does come back. Mr. Murray addressed weather condition concerns.

A break was called at 8:25. The meeting was called back into order at 9:35.

During the break it was brought to the attention of the Board Clerk that the Newspaper notice and the Notice to the 200Ft search list incorrectly had the address of the application as 123 Stirling Road instead of 123 Old Stirling Rd.

Mr. Siegel determined, along with the applicant's lawyer, Mr. Murray that the application hearing should not continue at that time, and public hearing needed to be re-noticed. This portion of the meeting was closed.

It was suggested that an applicant might have a Geotechnical Engineer determine if a pond was spring fed and how to fill any ponds technically when an application is proposed that contains a pond.

The application will be noticed for November 10, 2014

■ **CITIZENS HEARING (Agenda Items)**

■ **SCHEDULE OF NEXT MEETING:**

November 10, 2014

■ **ADJOURNMENT**

Motion was made by Mr. DiBiancca, seconded by Mrs. Smith. All in favor Meeting adjourned at 8:45.