

**WARREN TOWNSHIP PLANNING BOARD
REORGANIZATION MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
JANUARY 12, 2015
APPROVED**

CALL TO ORDER (by Clerk at 7:34)

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

- Announcement of New Members/Re-appointments to the Planning Board at the Township Committee Reorganization Meeting of January 3, 2015
 - Mayor Marion– Term expiration 12/31/15 – Class I
 - Committeeman DiNardo– Term expiration 12/31/15 – Class III
 - Sal DiBianca – Term expiration 12/13/16 Alt #1
 - John Lindner – Term expiration 12/31/15 – Class II
 - Richard Kaufmann – Term expiration 12/31/18 – Class IV

Reappointed members were sworn in by Mr. Siegel and given the Oath of Office.

ROLL CALL

Mayor Marion	Mrs. Smith (excused)
Committeeman DiNardo	Mr. DiBianca
Mr. Toth	Mr. Freijomil (excused)
Mr. Kaufmann	Mr. Gallic
Mr. Lindner	Mr. Villani
Mr. Malanga	

Statement by Presiding Officer : Adequate notice of this meeting was posted on January 21, 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.

Election of Chairperson for 2015

- Nomination of Peter Villani by Dan Gallic, second by Mr. Toth
- No other nominations

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

Ms. Vautin handed the meeting over to the Chariman, Mr. Villani.

**Warren Township Planning Board Minutes
January 12, 2015 Page 2**

- Nomination by Mr. Villani for Mr. Gallic as Vice-Chairman, seconded by Mr. Toth.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Nominations Board Secretary for 2015 by Mr. Villani for Mr. Kauffmann, seconded by Mr. DiBianca.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Nominations for Board Comptroller for 2015 by Mr. Gallic for Mr. Villani, seconded by Mr. Malanga.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Nomination for Escrow Certifier for 2015 by Mr. Gallic for Mr. Villani, seconded by Mr. Malanga.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Appointment of Planning Board Attorney for 2015. Motion by Mr. Gallic for Mr. Alan Siegel, seconded by Mr. Malanga.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

Warren Township Planning Board Minutes
January 12, 2015 Page 3

- Appointment of Professional Planner for 2015. Motion by Mr. Malanga for Mr. John Chadwick, seconded by Mr. Gallic.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Appointment of Professional Engineer for 2015. Motion by Mr. Gallic for Mr. Christian Kastrud, seconded by Mr. Villani.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

- Appointment of Clerk for 2015. Motion by Mr. Villani for Ms. Maryellen Vautin, seconded by Mr. DiBianca.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

■ **ADOPTION OF RESOLUTIONS:**

PB101A – Adoption of Resolution for appointment of Planning Board Attorney
PB1502A – Adoption of Resolution for appointment of Professional Planner
PB1503A – Adoption of Resolution for appointment of Professional Engineer
PB1504A – Adoption of Resolution for appointment of Clerk
PB1505A – 2015 Rules of Order – Resolution
PB1506A – 2015 Meeting Dates – Resolution

Motion made by Mr. Gallic to memorialize these resolutions, seconded by Mr. DiBianca.

ROLL CALL

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani.
Against; None.

ADOPTION OF RESOLUTIONS CONTINUED:

PB 14-02 Stirling Pond LLC approved November 10, 2014. Memorialization

Motion by Mr. Lindner and second by Mr. DiBianca

Mr. Murray was there for the applicant and he made a motion that the memorialization not be on the table in light of the legal argument he has presented. Mr. Murray discussed that the Planning Board does not have jurisdiction to commit the roadway as a private roadway. He also discussed the ordinance 14-28 of the Township Committee which mandated the creation of a private roadway. Mr. Murray says it is unlawful as applied. The other reasons are set forth in the RSIS standards. The time of decision rule is still in Warren's ordinance and at time of decision rule is repealed by State statute four years ago. Mr. Murray suggested that those two concerns might have the board go back and change the resolution. He suggests to take a look at this afresh. Mr. Murray suggests to take the opportunity to take into account if it cannot be imposed as a private road. He discussed the costs of maintaining the road and enforcing the homeowner's association and problems of the homeowners in the future of not maintaining the road, curbs, etc.

Mr. Gallic suggested that this discussion was not in order. A hearing is heard and then the public is heard and the vote is taken and the resolution is memorialized at the next meeting. The public nor the applicant is heard at that time. Mr. Gallic asked that while there may be disagreements on the particulars or if there are any legal issues it should be taken up prior to the meeting.

Mr. Villani stated that Mr. Murray does not want them to act on this meeting, and he will ask to stay this resolution and leave on the side and you can take it up with Mr. Siegel. Mr. Murray was hoping that would occur. Mr. Villani made a motion to stay this resolution until further notice. Mr. Gallic made a motion to table the resolution until further notice. Mr. Toth seconded.

ROLL Call to table the resolution:

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani
Against: None.

Mr. Villani asked that Mr. Murray stay in touch with Mr. Siegel.

■ **APPROVAL OF MINUTES:**
December 8, 2014

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

ROLL Call:

For: Mayor Marion, Committeeman DiNardo, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Gallic, and Mr. Villani
Against: None.

■ **DISCUSSION:**

Reports:

Alan Siegel, Esq.

John T. Chadwick, IV, P.P., Professional Planner

Christian Kastrud, P.E., Professional Engineer

None.

■ **CORRESPONDENCE**

The New Jersey Planner – September/October 2014, Volume 75. No. 5

■ **CASES:**

PB14-07 Gregory Ln proposed Preliminary Major Subdivision carried from Dec 8, 2014 meeting

Mr. Kevin Page gave out copies of the amended Qualifying Plan that was provided in the Board's packets. It shows nine fully conforming lots. The applicant is asking to do the subdivision under the variable lot provision. At the earlier meeting the board questioned whether the lot on Broadway was a "good" lot. The topo was added to the plan and a calculation was added. The blue on the plan is the 100 year flood. The Exhibit is C-3 (the colorized qualifying plan). Riparian buffer is also on the plan. Mr. Page stated that the DEP allows to establish flood plains several ways. Mr. Page used the depth of water at ten feet. It is very conservative. The applicant does not want the 9th lot on Broadway. They want them all on an extended Gregory Ln. It would be a 300 ft extension with nine lots, there are four existing homes now, so five new lots/homes. They would dedicate 7.5 acres off Broadway to the Township. There was discussion on if the Town will want the land. Mr. Page stated it has been the practice with subdivisions he has been involved with but it could be offered and if not wanted-- do not take and it would be appended to the lots. Mr. Kastrud stated that they used method 5 and it is very conservative and it is a buildable lot. There was discussion whether the insurance maps have the studies for this property.

Mr. DiNardo brought up the issue of how this area be protected for any further runoff. Mr. Page stated the applicant does not present any development in this area, and the lots above will go to a drainage area, a very large drainage area. There was discussion about the resident that had seen flooding in this area one time in the past.

Mr. Villani prefers that Mr. Kastrud guide the board on the runoff issues. Mr. Villani wanted clarity on the qualifying plan and the variance requested. Mr. Page requests that with the variable lot size which require a 200 ft frontage and not the R-65 150 frontage, that the board allow the 150 ft lot for those that are under the 3 acre size. Mr. Villani discussed the idea of benefits outweigh the detriments and for Mr. Page to make his case.

Mr. Lindner wanted to clarify that it is accepted that it is a qualifying plan. It is, from a flood standard that it is buildable stated Mr. Kastrud. Mr. Kastrud asked about the LOI and that there may be other environmental constraints. Mr. Page stated there is no LOI because it is either the qualifying plan or the proposed plan and not both plans. Mr. Gallic stated that it is at the risk, of

Warren Township Planning Board Minutes
January 12, 2015 Page 6

the applicant to put forth boundaries that are not official yet, they may have to come back with a new qualifying plan. Mr. Page agreed. Mr. Gallic feels that you may have to come back with a new plan. Mr. Page stated they do not favor the qualifying plan, they favor the proposed plan all on Gregory Ln.

There was discussion on what the DEP will look at. DEP just looks at the whole property in question and not the lots.

If a plan is approved and it is modified an applicant would need to come back to the board, unless it is a field adjustment. Mr. Gallic gave an example of a tree that may have to come down. Mr. Siegel stated that each town has a different definition of a field adjustment. Mr. Chadwick feels if it is not buildable or really if the lines have moved, Mr. Chadwick or Chris Kastrud would decide if not buildable. The qualifying plan shows the number of lots permitted. But if the qualifying plan is changed due to wetland lines, a new plan would be submitted.

Mr. Chadwick suggested to the board that the board needs to decide which plan is better. The DEP will approve a plan but if wetlands move out towards Broadway and change the developability of the lot then what? Something should be put in the resolution that the DEP approval will be checked for the buildability of that lot by Mr. Chadwick and Mr. Kastrud. Further discussion continued on the DEP process and that the qualifying plan will be resubmitted later and will include the approved (DEP) wetland lines.

Mr. Page went over the split zone and other split zones in town, Sleepy Hollow and making lots more uniform. They are proposing to develop like the neighborhood, 1.5 acres. They are asking for the 150 foot lot width (like along Gregory Ln). If the board says they have to have the 200 ft front they will have to go with the qualifying plan. They cannot conform, it is a variance not a design waiver. They would be bumping into the detention basin and wetlands with 200 ft frontage. The land would be protected with the steep slopes and wetlands with their proposed plan. There was discussion on what the land was used for, and it would remain undeveloped. If not dedicated to the town it will be added to the lots. Lot 6.04, 6.05, 6.06, and 6.07 require the variance. Mr. Kastrud asked how far they would have to extend the cul-de-sac to eliminate the variances. It looked like about 125 ft. and it would be going over the slope. There was discussion about the extension of the road and the lots becoming more narrow and an issue with a detention basin.

Mr. Villani brought up the buffers and there are reasons for this; air, noise, other factors. How does this benefit (bringing down from 200 ft to 150ft frontage) the environment or the town. Mr. Page is trying to make the case that there is a 9th lot on Broadway and it would be uniform on both sides of the street (cul-de-sac).

Mr. Gallic discussed the environmental constraints and there is no need to push more houses in. He brought up that you could not create a conforming plan by extending the cul-de-sac. Mr. Murray stated it is not a hardship, it is a C2 variance. Mr. Page stated the houses are concepts and are very large houses but have a good separation. Mr. Page asked to keep it at the 150ft. If it was a 3 acre lot it would be 150ft. There was discussion on the existing lots nearby and the frontage, many are 150 ft. Mr. Page discussed that if the town doesn't accept the 7.5 acre, he may extend the lines and then would be mostly three acre lots. Then they would be 150 ft. frontage required. There was further discussion on dedicating land to the Town. If added to the lots, then the wetlands and transition areas would be conservation easements on the lots.

Warren Township Planning Board Minutes
January 12, 2015 Page 7

Mr. Murray has asked in the past that the wetlands not be put into conservation easements as the wetlands constraints may change in the future. Mr. Chadwick reminded the board that wetlands and transition areas by ordinance are to be put in a conservation easement, but they have straightened lines where it would be helpful. Mr. Chadwick stated that they should bring in a new plan that does not have the variances that this proposed plan has. Mr. Page felt almost all of the current plan will be the same, except the extension into the area that was to be dedicated. Mr. Page felt all the lots will be compliant to the zones.

The board asked that new plans be submitted before going further. If all lots comply then it will go forward, if any variances are required more testimony will be required. Mr. Villani asked Mr. Chadwick and Mr. Kastrud if their reports had been covered yet. Mr. Chadwick's report was on the revised qualifying plan and it does conform to zone regulations, and Mr. Kastrud did give indication the lot on Broadway was a buildable lot. It will be a different report for revised plans. Mr. Page will wait for Mr. Chadwick's and Mr. Kastrud's updated reports after submission of the new plan.

The case 14-07 is carried without further notice to February 9, 2015 meeting.

■ **CITIZENS HEARING agenda items**

Mr. Anthony DiSano came forward and showed the board a triangle piece of wetlands, lot 4, which has a paper driveway to the other lots in case 14-07. He asked that in the resolution it be included that the private easement is extinguished. The board agreed to that condition.

■ **Master Plan Discussion**

Mr. Chadwick discussed the re-examination report dated August 2014 date. It states what has been done since the last re-examination and what the issues are now. He discussed the Mt. Bethel Road corridor and that it includes large tracts available and the case asking for re-zoning it. The redevelopment process has served well in the Town. The re-examination report is required every ten years. It needs to be done by March; it should be adopted January 26, 2015. It can be modified on the fly. The land use and housing element need to be together by September. If there are any questions, please call or email.

Mr. DiBianca asked about the land inventory (page 14-15), and does it have the newer items included. Mr. Chadwick stated it is from January 1, 2014. Mr. Chadwick stated there will be more reports coming out with the data used for the re-examination report. Mr. DiBianca asked about the Historical Sites and that the Historic Village is included. Mr. Chadwick felt that it is updated somewhat and will need to be added to. The Historic Village District was added to the Master Plan. It was suggested to put the re-examination report and the agenda and adopt it next meeting. This is the first step in the process; then reports with factual information, and then the master plan is policy and what should be changing in the ordinances is the last step. Mr. Chadwick suggested looking at the OR zone property and if they want to leave it for large office buildings or look at alternatives.

**Warren Township Planning Board Minutes
January 12, 2015 Page 8**

- **SCHEDULE OF NEXT MEETING: January 26/ February 9, 2015**
- **ADJOURNMENT**

Motion was made by Mr. Gallic, seconded by Mr. DiNardo to adjourn. All in favor.

01-12-15meeting