

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
November 10, 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 (excused)  
Committeeman Marion  
Mr. Toth (excused)  
Mr. Kaufmann  
Mr. Lindner  
Mr. Malanga

Mrs. Smith  
Mr. DiBianca  
Mr. Freijomil  
Mr. Gallic (excused)  
Mr. Villani

■ **Announcements:**  
None

■ **APPROVAL OF MINUTES:**

October 27, 2014  
Motion by Mr. DiBianca, seconded by Mr. Malanga to approve the minutes.

Roll Call

For: Mr. Kaufmann, Mr. Malanga, Mrs. Smith, Mr. DiBianca, Mr. Freijomil, Mr. Gallic, and Mr. Villani.

Against: None.

■ **PROFESSIONAL STAFF REPORTS:**

**Alan Siegel, Esq., Planning Board Attorney**

Mr. Siegel told the board that a lawsuit has been filed in the Supreme Court by Mr. Thomas Gage, suing the Warren Township Planning Board and Sleepy Hollow LLC for damages demanding \$10 million. It is being handled by the Township Attorney.

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

**Christian Kastrud, P.E., Professional Engineer**

**Maryellen Vautin, Clerk**

■ **CORRESPONDENCE**

Supplement #59 for Volume I and Supplement #35 for Volume II, of the Revised General Ordinance of the Township of Warren.

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

■ **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. Villani opened the case and suggested as soon as possible to go to the professional reports after the case is brought up to date. These reports were the same as the last meeting. Mr. Murray anticipated to have some discussion from a Geotechnical Engineer who visited the site to give ideas of how to handle the issue of the existing water and whether it is subsurface origin or skywater origin. Mr. Kastrud, the Township Engineer, will also give some testimony on the visit.

Mr. Murray called Mr. Craig Stires, the applicant engineer, back up. Mr. Siegel suggested to swear in the witnesses and he swore in Mr. Craig Stires, Mr. Dennis Loh, a Geotechnical Engineer from GeoTechnology Associates, Mr. Christian Kastrud, and Mr. John Chadwick, Township Planner.

Mr. Chadwick suggested to state for the record that this was a hearing with a re-notice to correct the address from 123 Stirling Rd. to 123 Old Stirling Rd. Mr. Murray asked Mr. Stires about the steps on the investigation of the source of the water of the pond. Mr. Stires asked about starting the case from the beginning due to the re-notice. Mr. Siegel clarified for the board it is the beginning of the application because of the faulty notice. Mr. Stires went over the exhibits with A-1 dated 10/27/14, a colored rendering of the original submission which left the pond and had two flag lots with 25 foot stems coming off of Old Stirling Rd. The third lot would be up on Old Stirling Rd and there would be removal of the existing cottage and out buildings. In summary, it had the two flag lots, two homesteads and keeping the pond as the detention basin. Subsequent to that is Exhibit A-2 (dated 10/27/14) with an overlay of the current layout over the original application layout. After the first meeting Mr. Stires felt the board preferred they had a conforming layout, which was a cul-de-sac with three conforming lots so the plans were revised. Exhibit A-3 is a clean color version of the new layout (dated October 27, 2014). All the homes would be on the new right of way, the

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pond would be filled, new detention basin in the northeast corner of the property, new cul-de-sac and right of way off of Old Stirling Rd. Mr. Murray asked about the original plan and structures that are close to Old Stirling Rd. Mr. Stires agreed and that these buildings will be removed with the new plan also. Mr. Murray asked if there was a change to the length and entranceway to the two lots to the west from the last plans. Mr. Stires stated there was nothing new since October 27, 2014.

Mr. Murray asked if there was an issue raised previously about the status of the roadway as being public versus private. There was a discussion at the last meeting and will be discussed again later.

Mr. Murray asked about the Sewerage Authority and other approvals; and Sewer has been received. The County has given initial approved other than recycling fees, and Mr. Stires believed there was a letter from the Somerset Union Conservation District. There is an application with the Board of Health and the case was scheduled for Wednesday the 12th of November. Mr. Stires discussed the pond and emptying it, although he had first attempted to keep the pond it has been a change due to discussion and layout and grading. So, Mr. Stires came up with the new layout and to fill the pond and put a new basin in the northeast corner. Mr. Murray asked where the source of water would come from to the basin. Mr. Stires stated it would account for all the stormwater management on the project, the three lots.

There was discussion about the source and the method of removal of water in the pond. It was suggested at the last meeting that a Geotechnical Engineer should be consulted. Mr. Stires also discussed not emptying the pond immediately and leaving it empty for a long period of time due to the renters and general liability. Mr. Dennis Loh went to the site and evaluated the situation and met with Chris Kastrud earlier in the day. Mr. Stires also spoke with the previous owner of the property. Baxter Rowe owned the property previously and he told Mr. Stires that he bought it from a Dr. McGuinley who bought it from a farmer. Originally it was 14 acres and Mr. Rowe told Mr. Stires that it had been subdivided by Mr. Rowe. Mr. Rowe said the pond was probably created in the late 1950s and used to water the animals. So it was a farm pond, and he called it a sky pond, so essentially from runoff as opposed form a spring. He also said that just south of the pond there was a spring at one time, but has since dried out. He would (Mr. Rowe) tie into the water main on Old Stirling Rd and ran a line up to the pond and fill it periodically. The downhill side of the berm leaked quite a bit and he had built the two houses down from there and they complained that the leak and water was problematic with their septic. So he dug a trench on the low side and filled it with a clay material essentially like a cut off wall that would stop the leak from the pond itself. It did cut off the leaking to the neighbors to the north. Mr. Stires thought that was 15 to 20 years ago. The subdivision may have been 20 to 25 years ago. There were no further questions for Mr. Stires from the board.

Mr. Murray introduced Mr. Loh to the board and he gave his credentials, also explaining that Geotechnical Engineering is part of Civil Engineering and is the science of the earth and the foundations of structures, building with the earth or on the earth. Geotechnical engineers often will do a study consisting of borings or testing to reveal what the subsurface conditions on the site are, what issues there are for construction and also what kinds of foundations and size should be used. Mr. Loh visited the site and saw the pond and stated that he doesn't feel it matters what the source of the water is. If it is fed by overland (which he suspects it is); if it were spring fed they should see some sort of overflow/overtopping. There is none. There are two or three feet on the north side of the pond that the water could rise higher. If it is fed by a spring it is easy to install a drain and the flow could go to the detention basin. Mr. Murray asked about the term sky water, sky pond. Mr. Loh has not heard of the term. There was discussion on the meaning of sky pond. Mr. Loh feels it would be difficult to tell if it is fed by a spring without draining. Mr. Murray asked if it is necessary from Mr. Loh's perspective that the pond be emptied; that there are other methods to recommend. Mr. Loh stated that during construction, the pond will be emptied, the muck will be removed from the bottom of it to create a stable bottom. Most likely, a layer of stone would be put in to maintain a stable subgrade.

From that stable stone base, they would install control compacted fill, in layers to a specified density. Mr. Murray asked how many of these projects Mr. Loh has worked on in the past. Mr. Loh stated thousands. Mr. Murray asked how long this type of project would take. Mr. Loh stated it would depend on the contractors equipment, work force on board, but felt it could be a couple of weeks, and it would be better to avoid doing during the winter and spring. Mr. Murray asked about what they would do with the removal of the muck from the bottom of the pond. It can be moved offsite but can be used onsite. Mr. Loh thought it could be in the yards between the houses where there are no structures.

Mr. Murray asked how the water is removed. Mr. Loh stated it would be pumped out. There was a discussion on pumping it out to Old Stirling Rd. There was discussion on installing a drain pipe from the stone layer that will be installed after the pumping to the detention basin and the basin would manage the water.

Mr. Stires stated that what is shown on the plans for the houses is conceptual; the houses can be moved within the setbacks and can be outside the ponds edges. Mr. Stires stated the conceptual homes are 4000SF footprints so it is more of a worst case scenarios for the stormwater management. None of the homes would be in a steep slope area. The only wetland was the pond itself and they got a LOI and permits. There may be a little more tree removal (if the houses were moved). The homes comply with all setbacks and coverage. The stormwater management has been designed with the maximum coverage for each lot. There was further discussion on the timing of emptying and stabilizing the surface of the pond, it may be weeks. A Geotechnology Engineering firm would supervise the work.

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Mr. Lindner brought up that this property is similar to his property and the pond. When he mucked his pond, the substance was jello-like and usually has to be contained or it would spread it. Is there some sort of method to contain it other than silt fencing. Mr. Loh stated that silt fence and waiting till it dries out is normal. There was further discussion on an underdrain to anticipate the possibility of a spring. Mr. Lindner questioned the animal life and any concerns.

Mr. Stires stated that Mr. Kuc did the work and went to the EPA and that it was determined that the pond is not a water of the state. They can fill and there is no mitigation element.

Mr. Freijomil asked Mr. Loh about leakage in the pond and spring that existed south of the pond and how those two factors affect the possibility of it being spring fed. Mr. Loh mentioned that the prior owner said the spring had dried up, and Mr. Loh did walk the entire pond area and there is no soggy underfoot that would indicate a spring. Mr. Loh spoke about the leakage from the berm on the north side and that leak was addressed by installing a clay core. There was discussion about the leakage previously and the discussion with the previous owner, and the clay was from South Jersey, and is very good clay material.

Mr. Freijomil asked if there is a secondary or backup to running a pipe, and if it may clogged in the future. Can there be a backup system in the design to prevent issues. Mr. Loh stated a pipe would be desirable to control the water during construction. Mr. Loh stated that after construction, and the pond is filled correctly and compacted correctly, and even if the pipe was removed completely and the water pressure was allowed to build up it would still not have any adverse effect on the stability of that soil. Mr. Malanga questioned that wouldn't it just spring up somewhere else. Mr. Marion suggested that wouldn't it be prudent that once it is drained and mucked and dried (and noted that springs come up at different times and places) it be appropriate that once that lowest part is found in the pond to put in a drain and have it go to the detention basin and have it stabilized. It was agreed there will be a pipe installed and left there.

Mr. Dibianca asked Mr. Loh's opinion on once construction is started what is the likelihood to hit water and what special steps would need to be taken when digging out foundations, etc.. Mr. Loh stated that ground water is not uncommon to be encountered in foundations or other excavations on construction sites and in that case it is dealt with undercut a bit, a foot or so, and you replace that undercut volume with open graded stone, which is always stable. The stability of the homes should never be an issue if it is done correctly during construction.

There was discussion on the volume of the pond and the proper method of controlling the spring with a pipe. Mr. Malanga asked what the methods are to handle a spring fed pond. Mr. Loh stated that you would put an open graded stone, probably about 18 inches deep with a pipe. How is it decided, who determines the size of the laterals or the pipe to handle this Mr. Malanga stated

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that with just a pipe there will be problems and that a spring will come up somewhere else, depending on the force of a spring.

Mr. Freijomil is concerned with having no finalized plan (conceptual placement of houses instead of final) and that they don't know who is building the homes. Mr. Freijomil suggests a condition that whoever builds on the property that it has to be done with Geotechnical supervision, approved by the Township professionals.

Mr. Chadwick agrees with Mr. Marion's suggestion to put a pipe whether or not a spring is discovered and with a Geotechnical Engineer supervision during the work approved by the Township Engineer

Mr. Stires brought up that they don't want to drain the pond now, but feels there is not an issue with the conditions to be filled with supervision. Mr. Stires also proposed showing a grading plan with the houses outside of the pond area as an exhibit. The board decided to hold off on that.

Mr. Freijomil asked if the amount of water would be an impact to the township and the water being dumped into the stormwater system. Mr. Kastrud stated no as long as it is controlled, out into the storm sewer without muck, there is no cost for it.

Mr. Villani brought up the Warren Township with the Police Dept and its concerns with on street parking if so desired and the narrow width of the roadway. There was discussion about the 20 foot driveway. Mr. Murray stated it meets the RSIS standards. Mr. Stires felt it was sufficient, it is a 40 foot right of way, with a 40ft radius for the cul-de-sac. It was agreed by all to put up No Parking signs.

There was discussion on a roll curb. Warren Township has a lot of streets with no curbs on them. People park along the side of the road.

Mr. Villani brought up the issue of having the road a private vs. public road. Mr. Murray stated the applicant can seek to dedicate the roadway to the Township for the Township to accept. If the town does not accept it as a public road, it remains a private road. Mr. Chadwick stated that is a methodology that Mr. Murray is suggestion, but Mr. Chadwick does not suggest that method. The issue should be established with the approval. There will be a homeowners association for the detention basin and it can include the road responsibility also. There was further discussion on the public vs private roads and the responsibilities associated with it.

Mr. Villani asked Mr. Siegel's opinion is on this. Mr. Siegel stated it was obvious that Mr. Murray did not want to consent to it being a private road. He has to put that on the record and if the board decides they want a private road, he can take it up to the municipal committee.

Mr. Stires asked if it ends up being a private road, is it a lot. Mr. Chadwick said no that the lots lines would extend and it would become a common easement to all the homes. It will not adjust the setbacks. There was discussion on corner

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lots. There was discussion on curbing, a roll curb or vertical face and the drainage plan. Mr. Stires asked if it is a private road what control does the town have on the width, etc of the road. Mr. Chadwick stated that RSIS has control. Curbing is not required by RSIS, but the curbing makes a difference on pushing off the road. If the curb is 45 degrees it does not mess up the drainage. They can petition the Township to put Title 39 on the street to enforce no parking. The Promenade has private streets and the police do enforce the speed limits etc.

Mr. Siegel stated that someone should propose that the road be a private road with curbing at 45 degrees. Mr. Kastrud stated they need the no parking signs posted. Mr. Freijomil went over the proposed conditions thus far. There will be a condition for signage of No Parking and the roadway have 45 degree angle on the curbing, and it would be a private roadway, and Geotechnical approval and the one piping regardless of a spring or not. Probably should have Title 39 enforcement.

Mr. Kastrud stressed that all storm structures be included with the homeowners association responsibility. Mr. Siegel stated that they should see the Homeowners Association agreement. Mr. Chadwick stated it does not require DCA involvement. A condition should be included to review the Homeowners Association Agreement.

Mr. Murray brought up the fact that there is a sanitary sewer line down the middle of the road and there will need to be an easement, and he questioned whose responsibility to dig up the road to fix that up if needed to access to sewer line. There was discussion on this issue and possible buyers problems afterward.

Mr. Villani went to the Fire Marshall report and the applicant agrees to the conditions.

Mr. Chadwick went over his report from October 22, 2014 and the issues are public vs private, and the other three comments are statements. Mr. Chadwick stated that the cul-de-sac standards are controlled by RSIS and the Town could not regulate the number of lots.

Mr. Stires stated that the Board of Health will hear the case on Wednesday, November 12, 2014.

Mr. Kastrud went over his report and general statements. The applicant has received all permits in order to fill the pond. The Geotechnical Engineer described how the pond will be filled. There are some conditions that will require safety underdrains and Mr. Kastrud agrees with that.

Mr. Kastrud asked about the proposed detention basin-- is it topographically located that the water from all proposed development is designed for the maximum impervious coverage regardless of backyard patios, pools being added in the future. Can the water actually get there? Mr. Stires said yes and notes could be added to the plan that all runoff will get to the basin, and if there is any

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issue then further control runoff methods may be required. Show a limit of grading and notes on the plan (will be added).

Mr. Kastrud brought up soil logs and the applicant will comply with the groundwater recharge. They have not done soil logs yet, but Mr. Kastrud will be a witness to them.

Mr. Kastrud suggested prior to construction soil logs be done before signing of the plans and before construction. Mr. Kastrud's items were addressed. There will be a condition to construct the detention basin with clay core with a detail of this on the plan.

Mr. Kastrud wants all the detention basin facilities be contained within an easement, and a stormwater maintenance manual will be included and if it is a private road it is recommended that all the stormwater management facilities be within an easement and the Township should have the right (not the obligation) to come in and fix those in order to ensure that they function properly. (Although the homeowner's association is responsible for them and the repair).

Mr. Malanga asked if they come in and have to do repair (the town) is there a billing. There is an assessment.

Mr. Kastrud discussed that at times the disturbance limits are different when a developer comes in to build a home (from when the plans/application was approved) Mr. Kastrud wants realistic areas shown on the plans.

There was discussion on landscaping, street trees are shown and will stay on the plans. Mr. Kastrud brought up the most northeasterly lot that fronts on Old Stirling Rd. as facing the cul-de-sac lot and he feels it might face Old Stirling.

Mr. Kastrud discussed adequate site distance to the south and thought it was fairly limited. He would like to see a profile to see how far it goes. Mr. Stires discussed what he did and that it is adequate and will show on the plan.

There was further testimony on the engineering report and the applicant agreed to any conditions suggested. It will be filed map.

There was discussion about constructing the detention basin first prior to the pond draining. Mr. Stires thought it would be at the same time, drain and make detention basin. Mr. Kastrud suggested that is a question for the Geotechnical Engineer to determine if it is appropriate. Both basins could be in place at the same time during construction.

There was discussion on a No Outlet sign.

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Mr. Kastrud was done and Mr. Villani asked Mr. Kastrud to give an update to the Planning Board prior to the beginning of construction, and during construction, and at the end of construction so the board has a good idea of how the decisions impacted the outcome.

Mr. Villani asked for a blanket agreement that if Mr. Kastrud suggests something that he feels is necessary should be in place, a condition of approval.

There was a 5 minute break called at 9:20. The meeting was called back into order at 9:30 Mr.

Mr. Siegel went over the conditions proposed. Motion would be to approve with conditions. Detailed engineering plans detailing draining and filling the pond must be submitted to the Township Engineer for approval. A GeoTechnician should prepare the plans and supervise the draining and filling the pond. The plan should include a drainage pipe from the pond area to the detention basin. A Homeowners Association shall be created to manage the detention basin, the roadway, and structures therein. The road shall be private with curbing tipped 45 degrees. The roadway will have no parking signs and will be subject to Title 39. Homeowners Associated document will be reviewed and approved by the Township Attorney. Deeds shall contain a reference to the Homeowner's Association. Notes will be added to the plan to the affect that grading will be designed so that all surface water drain to the detention basin. Mr. Kastrud's memo of October 24, 2014 paragraphs 4 through 7, 9, 10, 12, 14, 17, 19, and 20 (with slight modification) will be applicable. The detention basin shall have a clay core. Stormwater Maintenance manual will be provided, subject to the approval of the Township Engineer. The detention basin should be constructed prior to the filling of the pond, and there shall be a developer's agreement subject to the Township Attorney approval.

Mr. Chadwick thought Item 4 of Chadwick's report of October 22, 2014, the revision to the plan that the road will not be a lot.

Mr. Villani called the public to ask any questions. Seeing none this portion of the meeting was then closed.

A motion was made by Mr. Kaufmann, Mr. Malanga seconded to approve application with conditions

**ROLL CALL**

For: Mr. Kaufmann, Mr. Linder, Mr. Malanga, Mrs. Smith, Mr. DiBianca, Mr. Freijomil, and Mr. Villani

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Mr. Chadwick spoke about the Reexamination report and the background studies that have been completed. These will be sent via email to the board. Please email or call Mr. Chadwick on any questions. Mr. Chadwick stated the re-exam does not need to advertise the re-examination, it is just going over the facts. And determining if there are issues. A meeting needs to be set up to adopt the re-examination (and discuss). Some part of the next meetings will be used for the re-examination report. Mr. Chadwick would like to see any issues or questions before the meetings, so please go over the report and other documents to come.

■ **SCHEDULE OF NEXT MEETING:**

November 24, 2014, December 8, 2014

■ **ADJOURNMENT**

Motion was made by Mrs. Smith, seconded by Mr. Freijomil to adjourn. All in Favor. Meeting adjourned at 9:45 p.m.