

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
December 8, 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
Mr. Malanga

Mrs. Smith
Mr. DiBianca
Mr. Freijomil (arrived at 7:45)
Mr. Gallic (excused)
Mr. Villani

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**
November 10, 2014

Motion was made by Mr. Lindner, seconded by Mr. Kaufmann to approve the minutes.

Roll Call

For: Mr. Kaufmann, Mr. Lindner, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. DiBianca, 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**

Ordinance Referral from the Township Committee

Township of Warren Ordinance No 14-28, An Ordinance Supplementing and Amending Chapter XV Entitled "Land use Procedures and Development" Amending subsection 15-7.2(o) of the Revised General Ordinances of the Township of Warren. Review for consistency with the Master Plan

Motion was made by Mr. Lindner, seconded by Mr. Toth that the ordinance is not inconsistent with the Master Plan.

Roll Call

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

Against: None

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

The chairman closed this portion as seeing no one coming forward.

■ **CASE No. 1**

PB14-07

Applicant: Dr. Mohammad and Catherine Sarraf

Owner: Dr. Mohammad and Catherine Sarraf and other Sarraf family members

Preliminary Major Subdivision with variances

Block 50 lots 2, 5, 6, and 7

Engineer: Kevin G. Page

Attorney: Joseph Murray, Esq.

Mr. Siegel swore in Mr. Page, Mr. Kastrud, and Mr. Chadwick.

Mr. Murray opened the case, explaining the subdivision and introduced Kevin Page, the engineer for the subdivision. Mr. Page gave his credentials and was accepted by the board. Mr. Page explained that the work on the subdivision started in 2011 on this subdivision. Plans were submitted with the application in October 2014, with date of September 10, 2014. There are four lots involved, lots 2, 5, 6, and 7. Mr. Page went over the plans and the location with Mountain View Road to the north, and Gregory Lane, and Broadway Road. There is a survey and wetland delineation. The property crosses over two zones, the R-65 (acre and a half) and the CR-130/65 zone, (three acre). The last page of the plan highlights the Qualifying Plan for the subdivision. It has approximately 5 to 6 lots in the R-65 and the balance is in the CR-130/65. A qualifying plan is a plan made out exactly in accordance with the zoning regulations, the lots in the acre and a half zone are shown at that size and the lots in the 3 acre zone are shown at that size. That shows how many lots are allowed. When there is a better way to develop it, you establish the number permitted and then propose the better development.

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Mr. Page went through the qualifying plan. It is four lots with four houses, two of those houses are proposed to be demolished, and two houses to remain. There will be 7 new homes for a total of 9 in the subdivision. The Qualifying Plan shows 8 houses on Gregory and one on Broadway. There are two streams through the property, which flow across Mountain View Road and through the commercial property and eventually to the Dead River. There are flood plains and wetlands, the application has not been submitted to the DEP because it will make a difference in the plan that the board prefers as to what the applicant would apply for at the DEP. The proposed alternative is shown on page 2 of the plans and it involves extending Gregory Ln. Of the proposed 31 acres, 7 acres would be dedicated to the Township for Municipal purposes. There would be no house on Broadway (and that is the area to be dedicated). All the lots have to be a minimum of an acre and a half, and they all are proposed to be. All houses would be on Gregory Lane and Gregory Ln would only be extended 350 ft. The total disturbance proposed is 6.5 acres out of 31 acres. Mr. Page went through the environmental constraints; slope and streams, some of the lots will have conservation easements but they tried to ensure all lots were "usable". The lots are large enough for homes that might be 8000SF, although they don't expect the homes to be that large. Mr. Page brought up that they will be asking for a variance. He first stated that all utilities are addressed, public.

Mr. Freijomil arrived at the meeting at 7:45.

The qualifying plan and proposed plan would be for 9 lots. The variance is for lot width, it is the same as if an R-65, 150 ft. and the 25 foot wide setback. The lots would have to go to 200 ft. when downsize the lots, unless a variance is granted.

There was discussion that part of this property was considered for Open Space for the township possibly around 2006 or 2007. There will be conservation easements to add more buffer and protection to the area. Mr. Page feels the proposed plan is better and has much less disturbance than the qualifying plan.

Mr. Murray asked about the C1 (involves something unique to the property, topography, flood plains,) or the C2 (benefits outweigh the detriments). Mr. Page stated that it is a C2 argument because it is better planning/design. On lots 6.04, 6.05, 6.06, 6.07 and perhaps 6.08 the applicant is asking for 150 ft width instead of the 200 ft. These lots would be consistent with the neighborhood on Gregory. Mr. Page argued that the benefit of the acre and a half it limits the overall development of the land due to the FAR limits and impervious coverage limits.

Mr. Freijomil brought up the conforming plan/qualifying plan with the lot on Broadway and asked about the house size relative to the properties on Broadway. There was discussion on the lots on Broadway, and the proposed lot and house size.

Mr. Lindner asked if Mr. Chadwick and Mr. Kastrud agree that the qualifying plan is correct. They did agree that it is reasonable. Mr. Page stated it is a plan that DEP would approve. There was discussion on topography for both plans. Mr. Page feels that the homes on Gregory only would be 400 to 500 feet from the roadway uphill behind the woods. But on qualifying plan the home might be 200 ft. from Mountain View. Mr. Page described that there is some pasture and some meadow and some wooded, if left alone the area will turn back into forest (conservation and municipal dedicated land).

Mr. Freijomil asked how the LOI that is pending will affect the proposed plans. Mr. Page stated it will not affect the ability to build something. But depending on how the board feels on the qualifying or the proposed plan, it dictates what the applicant will apply for

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from the DEP. Mr. Freijomil questioned that the LOI may change the number of lots. Mr. Page stated they took a very conservative approach to the placement of wetland buffers and the riparian buffers. Mr. Page used the 150 ft. buffer for the riparian buffer but a house on Broadway was approved at 50 ft. buffer. There was further discussion on the conforming plan and the issues of wetlands buffer averaging and DEP and the board's ability to compare the two plans without the LOI and details on the qualifying plan.

There was discussion on frontage (on the street) and lot width (at the home location).

Mr. Chadwick interjected that the real controlling regulation is riparian boundary, which exceeds the 100 year flood plain in most cases and the wetlands transition buffer. The only lot that doesn't is maybe lot 6.05, or lot 4. The property is difficult to develop even with the proposed plan, but it is a developable property. Mr. Chadwick suggests that the applicant look at what information is needed to convince the board that the qualifying plan is adequate. The plan does meet what is required by the ordinance. There is the riparian area, but do not have the steep slope shown. He suggested to add topography.

Mr. Villani wanted to go over the professional reports from Mr. Chadwick and Mr. Kastrud.

Mr. Page wanted to clarify that on the qualifying plan, the lot 2 house would not remain, but would on the proposed plan. There was further discussion of which houses will be removed with both plans.

A break was called for at 8:30. The meeting was called to order at 8:40. Mr. Villani suggested that the residents who came to the meeting have a chance to speak about the case. Ila Gillenwater from 30 Gregory Ln came forward and asked if this is already a development that is approved. Mr. Villani stated it has not been approved but owners have a right to develop a property within the ordinances. Ms. Gillenwater asked about the property that would transfer to the Township. Mr. Chadwick answered that the properties that are transferred have no restrictions to the Township, unless it is established at the hearing of the Planning Board; most of the properties come as a fee simple dedication with no constraints other than those constraints by DEP or other ordinances. She then asked about the character of the neighborhood and keeping it intact. Mr. Villani stated the ordinances limit/control setbacks but they are able to make houses at the permitted size, although one could ask for a variance on the setbacks.

Mr. Page brought up that using the one and a half acre lot size instead of the three acre lot size does limit the size of the home. Ms. Gillenwater asked how long this development might take and expressed concern for the construction trucks, etc. Mr. Page stated the road would not take long. Mr. Page stated the houses are on their own, and feels they will be custom homes and built a couple at a time perhaps. It is not comparable to the Bellewood Acres with 19 homes and blasting.

Mr. Alex Gnoy from 29 Sunrise Dr came up and he was sworn in. He sits on the Open space committee and lives nearby the proposed development. He stated that Sunrise was just repaved last year and is concerned with the construction this would bring. He doesn't feel Sunrise is built for construction vehicles and more traffic. This could be for quite a while with individual homes being built. Mr. Gnoy stated this property was brought up numerous times to the Open Space Committee. They were told it was not developable so the Town would not be interested in buying it. Open Space was told It had wetlands and was a working farm and would need remediation.

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Mr. Siegel asked who told them and Mr. Gnoy believes it was Mal Plager. Mr. Murray asked when Mr. Gnoy bought his property. Mr. Gnoy stated 2001 and Mr. Murray asked if he was familiar with the growth that had occurred before that time. Mr. Murray inquired if there should be restriction on truck travelling to develop the properties. Mr. Murray brought up that all of the town was developed and roads were put in at all parts of town. There was questions on why Mr. Gnoy feels it should not be developed. Mr. Gnoy pointed out areas where a creek runs through it and it may flood. The Open Space Committee did suggest to purchase this property and the Township took it as a recommendation.

Mr. Vance Gillenwater came forward next. He is the Chairman of the Open Space Committee and he was sworn in by Mr. Siegel. Mr. Gillenwater stated that in 2008 the Open Space Committee had put the property on the Open Space plan, largely at the urging of Dr. Sarraf before he owned the property. Mr. Gillenwater was there to express opposition to the plan and some of the area is in flood zones and they wanted it to be passive recreation areas. Mr. Villani thanked them for coming forward and notifying the board of their concerns.

Jeanine Pisciotta came forward and she was sworn in. She lives at 186 Mountain View and has lived there since 1992. She stated that since she has been there was a flood along Mountain View Road on at least one occasion that prohibited her from walking across the road, and the water was at least a foot and a half high. Ms. Pisciotta stated the proposed homes will increase the impervious area. She asked if the board takes into consideration changes that are already approved, variances that have been approved but have not been developed yet. Mr. Villani suggested taking pictures of flooded areas. Ms. Pisciotta spoke about some variances that have been granted in the area; one for a 3-car garage, which increases the impervious coverage by 2700SF.

Mr. Chadwick stated the board does take these approvals into consideration. He or the engineer advises the board. The Planning Board also does drive and inspect the subject properties.

Ms. Pisciotta stated the water came from the subject property. Ms. Pisciotta asked when does the board find out about the variances in town. Mr. Chadwick stated the plans are submitted to the Township and routed to the various offices for their comments, which include the Health, Sewerage Authority, Police and Fire Departments. Also, applicants have to apply to Somerset County Planning Board. The Planner and Engineer are the same for the Board of Adjustment and the Planning Board and they share information to those boards. Also notice is given to the property owners for 200 ft. of a subject property for major developments and for any variances. Mr. Villani appreciated the public input and stated that those nearby do know what is going on at their property.

Ms. Pisciotta brought up traffic with the two proposed plans and traffic issues in the area. Ms. Pisciotta stated she has had an accident due to the blind curve at Broadway and Mountain View Road. She has reached out to the police about the traffic and speeding. She discussed the suggested 51 trips with the proposed development and feels it will present a safety hazard. She asked if there could be anything done to provide some help to relieve speeding traffic. A traffic study that was done in 2011 showed that out of 4325 vehicles, 3364 were above the 35 mph speed limit.

Mr. Villani went over the process of approving different plans and that all of the items she brought up and more are taken into consideration. And that the benefits need to outweigh the detriments and the benefits have to be to the community.

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Alan Huska from 32 Gregory Lane came forward and his concern is how many trees may come down, especially where Sunrise meets Gregory. Mr. Page gave some thoughts on it, although they have not designed the home sites for the lots. He feels they will be custom homes and in his experience the trees add to the lots and each lot will have to have a detailed drainage plan for the lots before building is permitted and that will be approved by the Warren Township Engineering Department. There will be trees taken down but they try to minimize tree removal. In other developments Mr. Page has been involved with the builders have worked to preserve trees and he feels this will be true in this development. He gave examples of Sleepy Hollow, Castle Ridge, and Arlington Ct., where they preserved what they could. Mr. Huska asked if the Town has a say in it. Mr. Chadwick stated that the Town has ordinances that limits trees that can be taken down. It is permitted to take down 4 trees per acre a year after it is developed. When the detailed plans come in to develop the lots, there are clearing limits that are permitted for building the home and driveway.

A resident asked if it is definite that there will be development there and is it a choice between these two plans. Mr. Page said yes it is developable and the zoning allows it. Mr. Page feels the plan with less disturbance and smaller houses is better. The resident agreed that the nonconforming plan is the better choice.

Patricia Levine from 39 Gregory Lane came forward. She asked what is the developer gaining from the nonconforming plan. Mr. Page is not gaining anything from the different plans, but he prefers to do a nice job and gave examples of Castle Ridge with a dedication of 17 acres of open space, with steep slopes and buffer areas for adjoining neighborhoods. He swore that the proposed, nonconforming plan is the best plan. Ms. Levine asked about the cul-de-sac or is it a through road with both plans. Mr. Page stated it is a cul-de-sac with both plans. He does not want to cross wetlands (if use another exit to Mountain View down a 16 foot wide driveway that is deeded right to two of the subject property lots). There are four houses currently, with the proposed plan there will be nine houses, so it is plus five.

No one else came forward.

Mr. Chadwick asked if the applicant intended to phase this project. Mr. Page stated they believe they will. Mr. Page showed page 5 of the plans which has the phasing plan. Phase I consists of the two lots, 6.01 and 6.02 that front the existing cul-de-sac. The rest of the lots will be Phase II.

Mr. Chadwick stated that much of his report has been addressed. Mr. Chadwick thought the alternate plan has merit. Mr. Chadwick stated the qualifying plan should have topo. The LOI controls where you can go, but there are different permits for each plan and they would need to be done. Details need to be clarified on the plans with topo and permit requirements for each plan.

The board discussed what may be needed to make a decision. Mr. Freijomil asked what the variances were and could they be more conforming.

Mr. Page stated that four (or five) lots are in the 3 acre zone, 6.04, 6.05, 6.06, and 6.07. The required lot width for the CR130/65 zone is 200Ft (vs 150 in R-65 zone). Mr. Page is asking that three of those be 150 ft. width and one 174ft. width.

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Also, the CR130/65 requires bigger side yard (in the lot size variation plans); 75 for both sides total instead of 50 ft for both sides total. He is asking for 25 ft side yard (total of 50 both). There was further discussion on the lots and house sizes and placement of houses, and conforming to the setbacks. There was discussion about some of the homes and walk out basements due to topography. Mr. Page feels an owner may just make more of a box to gain more SF if they are limited in side-yard setbacks.

Mr. DiBianca felt there should be more discussion on lot 6.09 and the dedication to the Township; would there be any conditions. Mr. Page stated that in the past with other developments there were dedications with no conditions. The Township has the control on the gifted land.

Mr. Freijomil had concern that lot 6.09 may not be a buildable lot and then the conforming plan would not be accurate. Mr. Page stated that they took the most conservative approach with flood plains. If the plan for nine lots is approved by the Planning Board and the applicant goes to DEP and the area on lot 6.09 is all wetlands and floodplains, the Town is protected. Mr. Chadwick brought up the compliance process of the approved resolution to ensure the conditions are met. DEP approval would be mandatory and if there was an issue, they would have to modify the plan.

Mr. Villani feels the applicant should get the topo on the plan. Mr. Chadwick agreed and that perhaps there could be a meeting point on the setbacks between the 50 and 75 foot requirements. Mr. Chadwick thought the qualifying plan should show the problems more clearly and why it does not work well (extending the road and steeper slope).

Mr. Villani discussed preparations for the next meeting and the concerns of the residents, and the board. Mr. Villani closed out this portion of the testimony. The case, PB14-07, was carried to the January 12, 2015 meeting, and The Hollows, Case 12-06, was carried to the January 26, 2015 meeting

■ **CASE No. 2**

PB12-06 Block 86.01, Lots 28.04, 29 & 30

Applicant: the Hollows at Warren

Phone 201-782-0292

Owner: The Hollows

Type: Prelim. Major subdivision

Engineer: Kevin Page

Attorney: Joseph Murray, Esq

PROPOSED: 9 lot major preliminary subdivision carried to January 26, 2015

■ **SCHEDULE OF NEXT MEETING:**

Reorganization meeting will be January 12, 2015 at 7:30 p.m.

■ **ADJOURNMENT**

Motion was made by Mr. Villani, seconded by Mr. Lindner to adjourn. All in favor.