

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
September 14, 2015
APPROVED**

CALL TO ORDER Mr. Villani called the meeting called to order at 7:38 p.m.

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 14, 2015 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 Marion	Mr Freijomil (excused)
Committeeman DiNardo (excused)	Mr. DiBianca
Mr. Toth	Mr. Scuderi
Mr. Kaufmann (excused)	Mr. Gallic
Mr. Lindner (excused)	Mr. Villani
Mr. Malanga	

■ **Announcements:**
None

■ **APPROVAL OF MINUTES:**

August 10, 2015

Motion was made by Mr. Gallic, seconded by Mr. Villani to approve the minutes from August 10, 2015.

Roll Call

For: Mayor Marion, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None

■ **Memorialization of Resolutions**

**PB 15-08 184 Liberty Corner Rd Preliminary and Final Site Plan
Approved 8/24/15.**

Motion was made by Mr. Malanga, seconded by Mr. Villani to memorialize.

For: Mayor Marion, Mr. Malanga, Mr. Toth, and Mr. Villani
Against: None.

PB 15-03 Harrison, 91 Stirling Road, Major Subdivision approved 7/13/15

Motion was made by Mr. Gallic, seconded by Mr. Toth to memorialize the resolution.

Roll Call

For: Mayor Marion, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Galic, 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

Ms. Vautin stated that the resolution for 184 Liberty Corner, Case PB 15-08 was in front of the board for review, and it was emailed the previous week for review.

Also, a Health Dept report recieved today was in front of the board members for review for PB 15-10, 50 Saw Mill Minor Subdivision on the agenda for the evening.

■ **CORRESPONDENCE**

None.

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

Mr. Villani asked if anyone had comments on non-agenda items. Seeing no one this portion of the meeting was closed.

AGENDA Items:

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Case 1:

Case #: PB-15-07

Block/lot : 88/26

Road: 41 Old Stirling Road

APPLICANT:

P.J. Ferrara

LOCATION:

41 Old Stirling road

PROPOSED: 2 lot subdivision minor subdivision

Mr. Fred Zelle came forward as the attorney for the applicant, Mr. PJ Ferrara. Mr. Siegel swore in the applicant's representatives, Mr. Kevin Page, Engineer, Mr. P.J. Ferrara owner of 41 Old Stirling Road; along with Warren Township Engineer, Christian Kastrud, and the Township Planner, John Chadwick. Mr. Zelle went over the application For 41 Old Stirling road, Block 88 lot 26 seeking a minor subdivision of an oversized residential lot in the R-20 zone. Each of the proposed lots is in excess of the 20,000 SF lot size, approximately 34 K and 29K. Granting the approval would require granting 3 "C" variances, first for minor lot width deviation, 100 is required more than 97 ft. on each is proposed. Also there is a side yard setback deviation to the existing residence. And an accessory structure setback. He went over the C2 flexible criterias.

Mr. Zelle also proposed that the application promotes the goal that is to promote a desirable visual environment with this design and arrangement. He proposed that the application presents no detriment, and no substantial impairment to the zone plan and that it can be granted under the C2 standard.

He brought up Mr. Ferrara and asked questions on why he proposed this application. Mr. Ferrara stated he has been a widower for about four years and he has three children to raise. They had planned on this for quite a while but did not get to it. He would now like to bring his mother in (his father is gone) to live with them. It would be helpful. He prefers to keep both properties. There were no questions from the board.

Mr. Page was brought up and gave his credentials and was accepted. Mr. Villani asked to go through reports as they continue. Mr. Page described the application with one lot being proposed for a two lot subdivision in the R-20 zone. There is an existing home. The plans are from June 4, 2015 that Mr. Page was working from. The board did not have the same plans. Mr. Page explained there were minor revisions, but it was suggested to bring in the revised plans as Exhibit as A-1. The plans were distributed to the professionals, although the board had them already, revised plan dated 8/10/15. The applicant has received Board of Health, Somerset Union Soil Conservation District, Warren Township Sewer Authority, and the county will just need the \$10 fee for recycling. Mr. Gallic asked about the variance and to show on the plan. Mr. Page pointed out the lots get more narrow as they go back.

It is a requirement to have a lot frontage of 100 SF, it would be 99.33 for each lot. This is from the setback of the house. So that is a variance, it is the lot width. The other variance is for the existing garage, which is now 6.7 ft from the property line vs. the required 25 ft. The existing home will be 11.5 vs. the 20 ft side yard. The new home will setback farther. They will dedicate the right of way on Old Stirling. There will be a common driveway and easement. The utilities for the new home will be on the south side of the property. There was discussion on the driveway. Mr. Page brought in an Exhibit A-2, Modified Driveway Plan.

Mr. Villani brought up the Fire Marshall report. They show a rear entry garage. The driveway is a little wider at the throat, and the wider driveway towards the new lot. The

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Board of Health meeting was the previous Wednesday and the applicant submitted a letter on the wetlands, and they received their approval.

Mr. Chadwick went over his report from June 23, 2015 on the June 4, 2015 plans and the variances. He asked if the plans could be modified to change the lots to eliminate the variances, which seems unlikely as it would cause very irregular line.

There is a Church Road right of way behind the property. The Township takes no responsibility for it, there was investigation into it years ago as to who owns it, and it was not determined. Mr. Chadwick feels it is not a right of way. So there is no set back from this as it is not a road, even though it shows on some tax maps.

Mr. Chadwick suggests that no further access to Old Stirling be permitted from either of the proposed new lots. Mr. Zellely stated the applicant agrees to that stipulation. Mr. Chadwick agrees on the widening of the driveway at the connection of the road. Mr. Chadwick felt that Mr. Page discussed the variance (8 inch). The other variances Mr. Chadwick discussed was the garage variance. Mr. Villani stated the variance is typical as it pertains to the lot.

There was discussion on a shed that is on the property, it is 8 x 12 SF. The cars now are parked behind the house.

Mr. Page clarified the difference of the lot frontage and lot width, the lot width at the house is about 97.5 ft, so about a 2.5 ft. variance.

Mr. Kastrud went over his report and most items had been covered. The application will be subject to soil movement ordinance, and the easements and metes and bounds description will be submitted, and the engineering department will assign lot numbers and street numbers.

Mr. Gallic is concerned with a busy road and bicycles going into the street. There was discussion on how to make the driveway safer. Mr. Gallic is not a fan of shared driveways and feels it should be a well prepared easement.

Mr. Page stated the shared driveway will be about 130 ft. Mr. Chadwick brought up the maintenance of the driveway and including it in the easement; will there be any restrictions on parking and lighting, snow removal? He would like easements that the Township can enforce.

Mr. Siegel will add that the easement will be subject to the Township Engineer and Planner review. Mr. Malanga suggested that there be a 14 foot wide driveway due to visitors. Mr. Page suggested mountable curb.

Mr. Gallic suggests a perpendicular pad for first 20 feet and they looked over how that would look. Mr. Page feels it can be shown on the soil movement application and /or with the revised plans during compliance, along with the easement language, which will require approval of Planner and Engineer. Mr. Page brought in a report from Mr. Krueger (had been given to Sewer Authority and Board of Health previously) on the environmental/wetlands, it is Exhibit A-3, Wetlands Report.

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Mr. Villani asked if there was any questions from the Planning Board. No further questions were proposed. Mr. Villani opened to the public and invited anyone to come forward.

Patricia Stamm came forward from 39 Old Stirling Road, adjacent to the property. She does not have a problem with building on the lot, but is concerned. She was sworn in by Mr. Siegel. She was concerned with water runoff which Mr. Ferrara experience himself with construction on Hillcrest. Ms. Stamm does not think a drywell will take care of it.

Mr. Page stated they are showing two drywells to collect the runoff. If increasing runoff with additional coverage you have to put in drywells. He went over the Township standards and that they met or exceeded them. Mr. Gallic brought up the stream in back of the property and he asked if Ms. Stamm experienced any issues in the back, she does not go back there but would like control of any water. Ms. Stamm does not have a problem currently. She asked about how the water from Hillcrest was controlled. Mr. Page did not know. There was further discussion on the water and how to control. They are subject to the Township Engineering department, and it will be the responsibility of the new home owner/new lot.

Ms. Stamm brought up the utilities for the new lot, they are proposed to run along the property line. She showed trees on her property line and is concerned if digging and running utilities will de-stabilize the trees there. Mr. Page does not object moving the utilities, and they typically need to be four feet down. Ms. Stamm felt they would be about 6 feet from the trunk of the triple oak. It was suggested to put them along the driveway. There is an issue with the sewer and running with gravity. Mr. Chadwick thought they could be 20 feet from the property line. Mr. Page stated that would be in the middle of the driveway. Mr. Page suggested 10 feet from property line. There was further discussion of where to put the sanitary sewer line and the other utilities.

Mr. Page stated the new lines can run underneath the driveway, about 20 feet from the property line. The public portion of the meeting was closed. Mr. Gallic made a motion to approve, Mr. Toth seconded. Mr. Siegel went over the conditions, from Mr. Chadwick's report Number 4 (and will include both lots), Mr. Kastrud's memo from July 30, 2015 will include numbers 2, 3, 6, and 7, and the driveway easement is subject to Township Engineer and Township Planner approval, plans will be revised to make the entrance to the driveway perpendicular to the street with details subject to the approval of the Township Engineer and Planner, and the proposed utilities for the proposed dwelling shall be placed no closer than 20 feet from lot 25, 39 Old Stirling Road.

Motion was made by Mr. Gallic, seconded by Mr. Toth to approve with conditions.

Roll Call

For: Mayor Marion, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani

Against: None.

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Case 2:

Case # PB15-09 CRC Communities

Block 62, lots 10.05, 10.06 & 13.01
APPLICANT: CRC Communities
Location: Conklin Lane

Mr. Sasso, representing the applicant, went over the minor subdivision of three lots from an existing subdivision. The proposed lots are all conforming. The area is in the R-65 zone requiring 65,000SF. There are no variances required. Mr. Gazzale came up and was sworn in as well as Mr. Kastrud and Mr. Chadwick. Mr. Sasso introduced Mr. Robert Gazzale and he was accepted by the board.

Mr. Gazzale went over the Conklin Lane subdivision that was approved in 2007 and filed in 2008. They are in the R-65 zone, this is a lot line modification that would allow some additional room for access behind lot 10.051, which is the client's residence.

He discussed the minor lot line changes to lot 10.05, 10.06 and 13.01. The applicant, Robert Checchio from 19 Conklin Lane was sworn in. Mr. Chadwick stated that this plan eliminates existing variances, the issue he saw was that the wetland areas delineating have never been included in conservation easements. Mr. Gazzale stated the wetlands on the north east side are within a conservation easement. The ones behind the lots of the application are not. Mr. Chadwick stated the Township ordinance requires that they will become part of conservation easement, because they are irregular, he suggested that the board grant that the line be uniform. The applicant agreed.

Mr. Kastrud went through his report and asked if it is going to be done by deed and the applicant said yes. The metes and bounds will be submitted to Engineering for review and approval. Mr. Kastrud also recommends setting iron bars in the new corners.

Mr. Sasso stated the County has approved the application. He continued with the Board of Health memo from July 22, 2015 and the Board of Health files have a state permit for a well for domestic use on lot 13.01, issued in April 2013 and they want to know (not indicated on maps) if it was drilled and if so where is it located.

Mr. Gazzale stated it has not been built yet. Mr. Villani went over the traffic officer report and there were no concerns. Mr. Villani opened it up to questions and concerns from the board. There were none. Mr. Sasso gave a recap of the case, three conforming lots, shifting it over so that Rob can have more property to the rear of his house on Conklin. The one variance in the existing lots will be eliminated.

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Motion was made by Mr. Gallic, seconded by Mr. DiBianca to approve subject to conditions.

Mr. Siegel went over the conditions, from Mr. Kastrud's memo, number 2, 3, and 5. Mr. Chadwick's memo item 3, and the conservation easement line shall be practical and have a uniform line subject to the approval of the Township Engineer and Planning Consultant.

Roll Call:

For: Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani
Against: None
Mayor Marion recused himself.

Case 3: PB 15-10 Rica Properties, LLC
Block 87.02 , lots 12.01 and 12.02
Minor Subdivision/Lot Line change

Mr. Zelle came forward representing the applicant. Mr. Frank Rica and Mr. Robert Gazzale and Mr. Kastrud and Mr. Chadwick were sworn in for this case.

Mr. Chadwick stated that the earlier subdivision approved in 2007 stated there was to be no further subdivision on these lots. Mr. Chadwick determined there is no subdivision, it is a lot line shift and it meets the meaning of the resolution. This moves the barn from one lot to the other. Mr. Chadwick stated he would send a report to the file conveying this.

Mr. Zelle went over the case and that it is for the existing barn that is on 12.02 as of that time, would become lot 12.01 by moving the property line from one side of the barn to the other. It makes sense as it has been associated with the dwelling that is already existing on lot 12.01. No variances are created.

Two reports had come in that day, Mr. Kastrud's and the Health Department. Mr. Kastrud went over the review dated September 11, 2015. If perfected by deeds, the Township Engineering Department will need the metes and bounds to approve. Mr. Kastrud recommends that new property corner markers be set at the new lot lines. The applicant agrees.

Mr. Zelle stated it would be done by deed. They do have all the owners approval. Mr. Rica stated that lot 12.01 is his parents, and 12.02 is in Rica Properties currently. The board had no questions, Mr Villani asked if the public had any questions. Seeing none, he closed that portion

Motion was made by Mr. Gallic, seconded by Mr. DiBianca

Mr. Siegel went over the conditions, from Mr. Kastrud's report, items 2, 3, and 6.

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Roll Call

For Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani

Against: None

Recused: Mayor Marion

Mr. Villani called for a five minute break at 9:05. The meeting was called back into order at 9:15.

Case 4: PB 12-06F Phase I, the Hollows at Warren
Block 86.01, lots 28.04, 29 and 30
Final Subdivision Phase I

Mr. Zelle came forward representing the applicant. He went over the case for the Hollows at Warren, Block 86.01, lots 28.04, 29 and 30. Mr. Page, Mr. Kastrud (Township Engineer), and Mr. Chadwick (Township Planner) were sworn in by Mr. Siegel. Mr. Page came forward and went over the approvals they have; Sewer Authority, Board of Health, they have the LOI for the property, buffer averaging permit, and that this application is for Phase I. Phase I requires no improvements other than utilities to the house because they are fronting on existing Countryside Lane. As part of the preliminary subdivision approval they were asked to relocate the drainage easement and they have asked the Township Committee to vacate the existing easement. They are looking for final approval for Phase I, although they still need the vacation from the Town, and they have to submit the TWA. Mr. Gallic did not recall that this application was a phased application. Mr. Chadwick stated that it was at the last meeting the applicant introduced the phasing of the project.

The phasing complies with the Preliminary approval, but they can't finish the Preliminary until they get the easement straightened out and they can't get that straightened out until this Phase I is approved. Mr. Page stated that the Phase I is two lots, and Phase II will be seven lots. There will be one house in the 3 acre zone as part of Phase II.

Mr. Chadwick went over his report from August 10, 2015 and it refers to the plan dated July 17, 2015 and this plan does conform to the Preliminary plat and approval. The Preliminary has not completed the compliance of the resolution yet. This approval here will help the Township Committee in their decision to eliminate the other easements.

Mr. Kastrud went over his August 14, 2015 report. He reviewed the file in the planning board office and the applicant does have the DEP permits, and LOI, and transition area averaging. The surveyor needs to sign the plat. There is still a bond on Countryside Lane, probably still in place from Albert D'Angelo. Any work that is done will have to be repaired in accordance with that, and the

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Engineering department will track the cuts into the existing cartway as best they can. Sewer Authority had approved ten lots and they now have the approval for the nine lots. Board of Health approved the amended approval. The Preliminary plats must be signed prior to filing Phase I. Mr. Kastrud was okay that the other lots were not on the plat, because if there was an amended Preliminary it may change. Mr. Kastrud is concerned about building these two lots prior to the storm water system being put in for the whole subdivision. These lots may not affect neighbors but they do drain offsite. The Preliminary plans show these as lots with no detention on the lots. But if the Phase II lots are never developed and the detention basin is not done, the runoff is increased. Mr. Page proposed that they make a condition of the approval that prior to a C/O for any of these houses that either the detention basin has to be installed or they will install drywells on these lots. Mr. Gallic doubts that the drywells will work because they are sitting right next to wetlands. He thinks it is better to do the detention basins prior to the C/O being issued or at least a final approval. Mr. Kastrud stated the monuments need to be shown on the plat. There has been progress on the vacation of the drainage easement. Mr. Page suggested that if the Township has taken the action, then they would refer to the resolution on the final map.

Mr. Kastrud stated the applicant will need to have conservation markers for the conservation easements on the lots. Metes and bound descriptions will need to be submitted for review. Mr. Kastrud had an issue with the width setback labels. The plan had 20 feet but it scaled to 25 ft or vice versa, it needs to be cleaned up. Mr. Page suggested that the easement refer to the filed plat. Mr. Kastrud talked about the split zone setbacks. Mr. Page stated that part of one lot (29.03) is in the three acre zone but none of the construction is in the three acre zone. Mr. Kastrud mentioned that the drainage easement is 20 feet wide but scaled to 25 feet, need to check easements and setbacks.

Mr. Villani went over the Fire Marshall report, Mr. Chadwick stated that the fire report really refers to the San Road extension and lots (Phase II). Police report had no issues. The board members had no questions. Seeing no members of the public, Mr. Villani closed out any public discussion.

Mr. Siegel went over the conditions. The conditions are from Mr. Kastrud's report item 2, 5, 6, 11-13, 15 and 17. Also that the detention basin be approved before a C/O is issued for new construction on Phase II lots. There was further discussion on the detention basin (that was approved with the Preliminary) and the timing of detention for the whole subdivision. The applicant would like to apply for building permits for the two lots as soon as possible. These won't be done. Mr. Gallic asked if the detention basin will be put in over the next 12 to 18 months. The applicant said it would be. Mr. Page stated that the detention system is for the whole development, and the seven lots (Phase II) overcompensates with the drainage system design, so that on the two lots (Phase I) they don't need anything. Mr. Page stated that when they come in for Phase II, they will have to post the bond for all the improvements. When the bond is posted, then that will free up the C/O. Mr. Chadwick asked when Phase II is to be brought in. Mr. Page thought within three months, dependent on

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Preliminary compliance completion. Mr. Chadwick felt the drainage would be the same as it is today for the two lots. The rest of the property (Phase II) will have an engineered solution that overcompensates and will take up the drainage from the Phase I lots. Mr. Chadwick feels the filing of Phase II final requires the performance bonds and gives protection.

Mr. Siegal went on to say that no C/Os will be issued to these two lots until Phase II is filed.

Mr. Toth made a motion to approve, with conditions, seconded by Mr. DiBianca.

Roll Call:

For: Mayor Marion, Mr. Malanga, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

Citizens Hearing (agenda items)

■ **SCHEDULE OF NEXT MEETING:**

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September 28, 2015

ADJOURNMENT

Motion to adjourn made by Mr. Gallic. All in favor. Meeting adjourned 9:50 p.m.