

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
August 14, 2017
APPROVED**

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 19 2017 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 Garafola	Mr. DiBianca
Committeeman DiNardo (Excused)	Mr. Pasi
Mr. Toth	Mr. Scuderi (excused)
Mr. Lindner	Mr. Esposito
Mr. Argiro	Mr. Gallic (excused)
	Mr. Villani

- **Announcements:**
None

- **APPROVAL OF MINUTES:**
July 10, 2017

Motion was made by Mayor Garafola, seconded by Mr. Toth.

Roll Call

For: Mayor Garafola, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. Pasi, and Mr. Esposito
Against: None.

- **MEMORIALIZE RESOLUTION:**

**PB14-07F, Sarraf Final Major Subdivision Phase I.
Block 50 lots 2, 5, & 7**

Motion was made by Mayor Garafola, seconded by Mr. Lindner.

Roll Call

For: Mayor Garafola, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. Pasi, and Mr. Esposito
Against: None.

- **CORRESPONDENCE**

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

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

Seeing no one come forward, this portion of the meeting was closed.

- **AGENDA Items:**

Case No. 1
PB 17-04 Krauszers – SK Parikh & Group
Block 88.04 lot 1.02/ 61 Mountain Blvd
Minor Site Plan/ building and parking lot

Mr. Jay Bohn, an attorney with Schiller and Pittenger, came forward for the applicant. The witnesses will be Kevin Page, the applicant's engineer, Sunny Parikh, Nitin Parikh (the applicants), Christian Kastrud, the Township Engineer, and John Chadwick, the Township Planner.

Mr. Kevin Page gave his credentials and was accepted by the board. He went over the application, Krauszers renovation and addition, along with additional parking. The original approval was 1971. The property is in the CB (community business) zone. The property has a shared driveway with Warrentville Hardware. The clients bought the property in 2016.

Mr. Page went over the artistic rendering of the building proposed. It is now a flat roof, the front will be redone with dormers, there will be lighting underneath the soffits, and the sign will be replaced. They propose to bump out the back of the building and increase the number of parking to 18 spots (from 10). It will be a big improvement. The artistic renderings were brought in as Exhibit A-1 and A-2.

The sign will be replaced with a small monument sign similar to a property a few properties down. The parking lot will be bumped out about 9 feet. There will be a new dumpster enclosure. The bump out of the building is 26 feet deep and 60 foot wide.

The CB lot size requirement is 40,000SF and this lot is 19,994SF so there is an existing variance. A variance for the minimum rear yard is also required. There is a 16.5 rear yard requested where a 25 foot rear yard is required. It backs to a storage building. There is also a request for a parking variance, they request 18 where 19.8 is required.

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Mr. Villani suggested going to the Township reports. Mr. Chadwick stated his report is dated August 3, 2017. There are 3 variances. Mr. Chadwick asked if there was any available land that could cure the variances. Mr. Bohn said there was none. Mr. Chadwick discussed the monument sign. The sign is proposed to be 5 feet back from the street and the sign will have a masonry base of 2 feet high and the sign is 3 by 5. Mr. Chadwick was satisfied that it would meet the perspective aspect of the ordinance. Mr. Chadwick discussed the lighting. It will be similar to the township lights along Mountain Blvd. Against the building there will be downward floods. And there will be security lights. Item 3 of Mr. Chadwick's report talked about the sign on the roof. Mr. Chadwick asked about the access easement. Mr. Bohn will try to locate the access easement. Mr. Bohn had a deed that mentioned the easement and it was brought in as Exhibit A-3.

Mr. Chadwick stated that the full staircase that was on the plans is now removed. The landscaping plan has been revised to show seasonal plantings and they will shade the parking area from the road, and he requests two street trees, the applicant agreed. The fencing will need some repairs and painting.

There was some discussion on emergency vehicle access. Mr. Page would not think they would go behind the building. There will be no parking signs added.

Mayor Garafola asked about the site distance and the sign. Mr. Page went over it and it will not be an issue.

Mr. Christian Kastrud went over his August 8, 2017 report. Mr. Kastrud asked about the coordination of the plans and architectural with the mechanical units on the west side of the building., they need to be shown. Most items were satisfied with revisions to the plans already. Mr. Kastrud asked about the parking lot and a post-construction review of the parking lot and areas may need to be replaced if any other areas need work. Mr. Page said that the parking lot asphalt is to be milled and repaved, add additional pavement, mill the asphalt on existing asphalt, and then one top course. They will repave any areas needed.

Mr. Kastrud spoke about the runoff and the applicant will address the runoff in the parking lot. There will be some stone trenches along the front of the parking lot. Mayor Garafola asked about the additional coverage and drainage underground. They do go underground currently from the roof. This will be added to the plans prior to construction.

The lighting will be same as Mountain Blvd lighting. The store closes at 9 pm. Monday through Friday and Saturday at 7 p.m.. and 6 p.m. on Sunday. The light in the parking lot will have some security lighting, but lights out will be an hour after the store closes. They discussed motion sensor lighting.

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Mr. Lindner asked about the parking and the two handicap spots, and two offloading zones. Can two handicap spots share an offloading zone and pick up one more spot. There was discussion and possibly moving the spots.

Mr. Page agrees to meet the requirements for the ADA.

Mr. Page said they have submitted to the Warren Township Sewerage Authority, Board of Health, Somerset County Planning Board, and Somerset Union Soil Conservation District. Somerset County will approve after the fees are paid.

Mr. Villani asked if there was anyone from the public that had questions or comments on the application. Seeing none, he closed that portion of the meeting.

Mr. Chadwick asked if the property was under Title 39 and he believes it is. Mr. Bohn said they would agree to it if it is not currently. Sargent Mizeski's report indicated it needed to be updated.

Mr. Villani asked the board if there were any questions. There were none. Mr. Siegel went over the conditions that were agreed upon. Mr. Chadwick's report from August 3, 2017, Items 5, 6 and 9 (directing applicant to maintain the fence) Mr. Kastrud's report of July 11, 2017, Items 6 and 8 to the satisfaction of the Township Engineer, handicapped spaces will be relocated closer to the entrance if elevations permit subject to the approval of the Township Engineer, and Title 39 to be applicable to the property.

The variances for this application are the ID sign-- proposed is 5 feet where 10 feet is required (the height of the sign is only half of the maximum), the rear yard required is 25 feet and the setback proposed is 16.5 ft, and the parking space requirements are 19.8 required and proposed is 18. There was testimony on all the items.

The board went into discussion. Mr. Villani said the use is permitted and the variances are not detrimental. Mayor Garafola made a motion, seconded by Mr. DiBianca

ROLL CALL

For: Mayor Garafola, Mr. Lindner, Mr. Argiro, Mr. Toth. Mr. Pasi, Mr. DiBianca, Mr. Esposito, and Mr. Villani

Against: None.

Case No. 2
PB17-01 Paladugu/Glass
Block 34 Lot 36.01& 36.02/38 & 40 – 38 & 40 Blazier Road
Minor Subdivision

Mr. Joel Cohen came forward as attorney for the applicants. Mr. Villani went over the procedures for comments and questions and swearing in witnesses. Mr. Cohen gave some background on the application. It originally came to the Planning Board in February as a minor subdivision. There were two issues that were raised after the approval was granted, but before the resolution was memorialized. There were two pre-existing nonconforming issues that would require a variance. The applicant was asked and consented to adjourn so they could address those issues. The current plans reflect the changes that disclose these. The two lots are very deep lots. The municipal line is Forest View Drive. Bridgewater Township has already heard this and granted approval and a developer's agreement has been signed to get access to Forest View Drive. The applicants are proposing to subdivide a conforming lot out of the back of the properties to front onto Forest View Drive. There is Warren sewer in Forest View Drive, public water in Forest View Drive. The two issues, one is the Paladugu property on Blazier Road is a pre-existing nonconforming front yard shortage. The other issue is considered the side yard of the Glass property, which fronts along Forest View Drive. When Forest View Drive was subdivided and created (the four houses on Forest View Drive) in Bridgewater it created a new road and the Glass property then the side yard became a front yard and pushed the front yard requirement into the property. Notice was given to the 200 ft notice for both Bridgewater and Warren.

The witnesses were sworn in by Mr. Siegel; John Madden, Kurt Hoffman, applicant's engineer, Karthik Paladugu, applicant, Kathleen Glass, applicant, Mr. John Chadwick, Township Planner, and Christian Kastrud, Township Engineer.

Mr. Kurt Hoffman came forward and gave his credentials. He was accepted by the board. Mr. Cohen made the point that Mr. Hoffman was a substitute for Warren Township's Planning Board engineer. It has been more than 5 years and Mr. Hoffman has no current relationship with the board. He is representing the applicant.

Mr. Hoffman went over the plans and presented a supplemental exhibit. It is a colorized page of the submitted planes. It showed the steep slopes is highlighted in yellow and in green the limits of disturbance of the development. The majority of the development is outside of the 15% or greater slope areas. The proposal also incorporates the soil movement storm water runoff requirements. The applicant agrees to curb the driveway and control into some type of drainage facility or a rain garden. With this there is technically a reduction in storm water from the property by utilizing storm water practices.

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Mr. Lindner asked if the soil has been tested to see if it does percolate. They had not yet. Mayor Garafola asked about the driveway being curbed and that it might have a block driveway with drainage in it itself. In some areas of the driveway this could not be used due to the slope. Mr. Hoffman said it would be controlled at the bottom with some type of inlet and then taken to a drainage facility. Mr. Linder asked if they were filling the steep slope area at the 11 o'clock area of the driveway. They have not calculated volume yet. It was discussed what would be required.

Mr. Kastrud went to his July 18, 2017 report which includes an earlier review. Mr. Kastrud talked about the soil movement ordinance and that it applies to this subdivision. There will be clearing limits and they will need exact details of detention system both for the driveway and the house.

Mayor Garafola asked about the area to be cleared and that 99 trees would be removed and what the replacements will be. That would be addressed by the planner.

The applicant consents to paving and curbing the driveway. The driveway is 10% grade in parts and is a downward slope from the street into the property. Runoff is from south to north and will be picked up by drainage facilities. Mr. Kastrud stated if this is perfected by deed then metes and bounds will be submitted for review and approval.

Mr. Lindner asked about the house location being lower than the street so the drainage is handled by the land itself. Mr. Lindner felt they should mandate soil logs. Mr. Kastrud said it is usually done at the time they apply for permits. Mr. Lindner also said with the steep slopes the silt fencing doesn't work well. Mr. Kastrud also stated that the Soil Conservation District will also have to approve the plan before construction permits are issued.

Mayor Garafola asked about the street level to the opposite side of the house and it is about 12 foot drop-- how is it calculated how fast the water flows, especially with the trees coming down. Mr. Kastrud said there are mathematical models, it is also done by visual inspection and it has been surveyed and it can be relied on it. The applicant is obligated to provide a stormwater management plan that doesn't allow more water off of their property onto adjoining properties. Mayor Garafola asked what happens if the system doesn't work. What is the responsibility of the owners or developers. Mr. Kastrud stated that the owner is responsible and Mr. Cohen stated the homeowner intends to design stormwater to prevent that from happening.

Mr. Cohen said the design will be less water running downhill. Mr. Hoffman went over the driveway, and swale around the house to collect, and the roof leaders, and this will go to the drainage system around the back of the house. It is the

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homeowners responsibility to maintain the system. Mayor Garafola asked what recourse neighbors have if it does not work.

There have been complaints in town and the Township Engineer and Planner have met with the owners and have worked to correct the situation. Mayor Garafola feels it takes quite a while to address these complaints. Mr. Kastrud suggested that the applicant might submit an operations and maintenance manual for the storm water and it could be referenced in the deed so that subsequent homeowners would be aware of the responsibility. Mr. Cohen agreed to an operation and maintenance manual and its reference in the deed.

Mr. Toth asked if all the drainage goes towards Jennifer Lane. The contour lines don't continue to Jennifer Lane and he asked where the drainage is now there. Mr. Hoffman said that it runs from Forest View Drive towards Jennifer Lane. Mr. Cohen said that it will benefit or improve the current condition. The runoff will be infiltration and detention. It will be designed and approved by the Township Engineering department.

Mr. Lindner asked about other subdivisions and drainage. It is not required for a minor subdivision drainage to be on the plans and approved with the subdivision.

Mr. Villani called for a five minute break at 8:45 p.m.. Mr. Villani called the meeting back into order. Mr. Chadwick asked about the clearing limits, the plans are dated May 5, 2016. Sheet 4 of 4 shows the clearing limits. The clearing limit in the front yard will have some front yard trees left, the clearing limit is highlighted in green. Mr. Chadwick asked about the grading of the driveway and possible terracing of the driveway. It was also suggested to have the driveway and the utilities in the same clearing area. Mr. Hoffman said it could be done. Mr. Chadwick asked if less trees would come down and Mr. Madden, the applicant's planner, would go over that.

Mr. Lindner asked how large the buffer (of trees) is at the end of the cul-de-sac. About 30 feet from the property line to the trees. There was discussion on the frontage and the width at the setback. In R-65 the width is 150 with no less than 100 feet at the road. Mayor Garafola was skeptical that there is enough frontage along the road. Mr. Hoffman assured the board that it was 133 feet frontage. There are some flags but those are marker flags and don't mark the end of the lot.

Mr. Villani asked for the next witness to come forward. Mr. John Madden came forward and gave his credentials and was accepted by the board. Mr. Madden went over the application of minor subdivision approval at 38 and 40 Blazier Road, located in the R-65 and the lots are large rectangular lots. Both are improved with single family homes. They feature large wooded areas to the rear of the properties. The new building lot would be lot 36.03 and it would divide

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40,403 SF from the rear of lot 36.01 and 51,845 SF from the rear of lot 36.02. The new lot, 36.03, will contain 92,248SF or 2.117 acres and it will have access to Forest View Drive, and the remainder lots will still conform to the zoning. There are pre-existing nonconformities but the subdivision does not alter or worsen those conditions. The board reviewed this back in February and were proceeding to adopt an approval. There was a request by attorney, Jay Bohn, for reconsideration on behalf of his client Eric Aerts, who owns property on Jennifer Lane. Mr. Bohn requested a notice was done due to the bulk variance. At the time lot 36.02 was created it was a 2.59 acre lot and it had a conforming setback. The side yard was to the southern property line. Mr. Madden brought in Exhibit A-2, a 1995 aerial photo that has overlaid the lots on Forest View Drive. It showed the difference in the current situation and the 1995 condition. There were no nonconformities for lot 36.02 until the construction of Forest View Drive due to creating a corner lot. The lot line stayed the same. It was initially a side yard setback. On a corner lot there are two front yard setbacks. It is not a self-created hardship. Lot 36.01 has a diminimus lot width deficiency of 1.32 feet.

The tax map shows that it has a conforming width of 150.125ft. The survey shows they are off by the diminimus amount. The uses are conforming and there is no expansion or alteration of the variances existing. It is a hardship that the construction of Forest View Drive created the condition of 36.02. Mr. Madden discussed the exhibit, page 2, the photos. A dense landscape screen was created after Forest View Drive was constructed and has matured and screens the setback area. The top photo shows the landscape screen and then the house on Forest View Drive.

The front yard setback is mitigated by this dense screen and does not affect the neighbors. This subdivision will not expand the pre-existing setback variance. Mr. Madden believes it is a C1 hardship variance. It was not of their own making. Mr. Madden also presented a C2 proof. There is no way to cure the non-conforming setback.

Mr. Lindner asked if the owners of lot 36.02 owned the property when Forest View Drive subdivision was going for approval. They did not. Mr. Villani asked about the difference between the C1 and C2 and the standards used. Mr. Madden stated that a C1 hardship variance is a hardship that is an exceptional situation. They have this here by action of another property. It is a hardship because they didn't create it and they should not be penalized for it. As long as there is no detrimental impacts from it, the board should consider approval. A C2 variance is where the benefits outweigh the detriments. They have to show that the purposes of the MLUL are advanced, at least one of them. And show that it can be granted without substantial detriment to the public good, substantial detriment to the planning and zoning ordinance, and that the overall benefit outweigh the detriments.

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Mr. Madden went over purpose G of the MLUL, to provide sufficient space in an appropriate location for a lot that will allow the creation of a quality home consistent with those on Forest View Drive and a lot that conforms to the R-65 zoning requirements. The variance can be granted without substantial detriment to the public good. The proposed lot is a half acre larger than the neighboring lots on Forest View Drive. And has less coverage than those lots. There is no substantial detriment to the zone plan and ordinances.

The purpose of setbacks in zoning is to create a separation for homes for privacy and spacing for landscaping and these qualities are present in the subdivision proposed with the existing setback, the road, and the 75 ft. for the front yard along Forest View you have a good separation. And the setback is obscured by the dense evergreen screen.

Mr. Madden brought up drainage and trees. The limits of clearing appear to conform to the township ordinances and it would be subject to the soil movement process before building permits are issued. Mr. Madden went to Page 3 of the exhibit, the conceptual landscape plan; it shows the surrounding lots and it showed how a house could be nestled in the property. About 37% of the property would be cleared. He recommended from the rear property line forward that there be a 100 FT conservation easement, where the steep slopes are.

Mr. Madden also recommended that a 20 ft. filtering landscape screen or buffer be in place so the property will still have the wooded appearance. About 99 trees would be disturbed because of grading so there would be replacement trees. At least 20 trees can be easily placed on this property, maybe more. The rest of the trees would have to be replaced somewhere else or pay a fee. Mr. Madden recognizes the concern of the neighbors. He feels they can accommodate the concerns of the neighbors.

Mr. Chadwick brought up altering the conceptual development plan so there would be less clearing in the front yard and along the side with the conceptual driveway and those clearing limits can be reduced and shown on the plans. Mr. Chadwick would like the front yard to remain wooded. Driveway and utility line in the same corridor will help. Mr. Chadwick stated the township ordinance does not require on a new home for replacement trees, it is handled by the limits of clearing. Once the house is developed and occupied, then the tree cutting/replacement ordinance is in force.

Mr. DiBianca asked about the house, clearing, and trees. The clearing limits are the controlling limits. Mr. Chadwick stated that they should keep as many of the the front yard trees as possible. Mr. Chadwick stated they could also keep the side yard limits to keep many trees. There will be conditions in the resolution.

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Mayor Garafola remembered certain size trees being required for commercial approvals, and couldn't they request specific trees, shrubbery, and size. Mr. Chadwick said they can be specific. Mr. Chadwick asked the applicant to do some field work and see what they have and what they can keep in the way of trees, and see what they could supplement with more trees.

Mayor Garafola brought up what Mr. Madden had said earlier about planting trees in other areas. Mr. Madden said they would like to plant as many trees back after the grading is done, and he did not know what the requirements were for tree replacement. Mr. Chadwick went over again the limits of disturbance for residential properties. And they try to keep the limits as close to the home as possible. Then if a resident comes in for a pool or a deck they must submit a soil movement application and may be required to replant trees if outside the limits.

There were no more witnesses so Mr. Villani asked if there were any attorneys representing any resident. Mr. Jay Bohn, from Schiller & Pittenger, PC, came forward. He is representing Mr. Eric Aerts, a resident of Warren. Mr. Bohn said they could wait until others had been heard to ask questions and give comments.

Mr. Siegel swore in Kathleen Cherry from 24 Dempsey Avenue, Princeton, NJ and Mr. Christopher Soucy with the Raptors Trust at 1390 White Bridge Road, Millington, NJ. Ms. Cherry stated she is a member of the Sierra Club. She is also a professional planner in the state of New Jersey and a member of the Certified Institute of Planners. She stated she was there on her own because she had not cleared it with the Sierra Club. Ms. Cherry stated there is difficulty in sizing a storm water facility and with global warming and the issues with weather often a storm water facility is overrun. Secondly, is the issue of maintenance. It is difficult for neighbors to know if an owner is maintaining a facility. Deed restrictions are good ideas. Neighbors may not know about the maintenance requirements. Finally, she was skeptical that all the water would be kept on the site; it is not that easy to control. The steep slopes also add to that issue.

Mr. Chris Soucy came forward, he is the executive director of the Raptors Trust, a conservation organization, dedicated to preservation of New Jersey's native birds primarily. The birds come from all over the state-- they handle about 6000 birds a year. The Appalachian Mountains and the Watchung Ridge is one of the oldest migratory routes for migrating birds on the face of the planet. Many species of birds have used these flyways for millions of years. The number of birds using them today is still significant. This area is of particular concern. The area has already been sliced through by I-80 and I-78 and I-280. In 2016, Cornell University published a comprehensive study, The State Of North America's Birds, and found that about 20% of all North American species in the temperate eastern forest (which is where we are) and the boreal forest (just north of us) are in need of urgent conservation action. This proposed development is less than one mile from the Chimney Rock Hawk Watch, a world famous spot for bird watchers. It is located there because the Watchungs are a perfect storm of

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elements for bird migration. The ridges and winds combine to form a perfect environment for updrafts and thermals for hawks and eagles to migrate. Disruptions in native vegetations, increased impervious coverage, and roofs and roads impact the balance. He could not say that one small home in Warren will actually affect the global population of birds but it is a critical area and it affects animals on several different continents. As the leader of a conservation organization he does care about it. He is not anti-development person.

Mr. DiBianca asked what his recommendations to help the situation if it is developed. Mr. Soucy said that replanting the trees would help. Mayor Garafola asked if there is an opportunity to see what the birds are there. There are lots of endangered species that use the flyway. Mr. Soucy also said there are breeding areas also here. Mr. Soucy spoke of the lull in the updrafts with slicing through and that causes trouble for the birds.

Mr. Villani said they would ask the individuals to come forward and to please not be redundant. If someone makes a point, it does not need to be brought up again. He wants to give everyone an opportunity to speak.

Mr. Andrew Leven from 2 Holmes Ct, Bridgewater, NJ and he is an attorney but he was there for himself. Mr. Madden seems like a nice man, he does testify for a living. But it appeared to Mr. Leven that he speculated that he felt this home would be a welcome addition to the neighborhood. The number of people at the hearing sort of belies that notion. Also, the notion that anyone that buys this property would like to put trees up may not be true. It is an unusual application that it is on the line of the townships. If the application is denied the conditions will remain the same and stable. He proposed that leaving it the same will be better for storm water management. He felt it is an impact to the neighbors, and the applicant wants to make more money and is a detriment and harm to the neighborhood. And it impact on the flexibility of the Master Plan going forward He asked --is it the right thing to do to deny this application and do you have the power to do so and he submitted that they do.

Mayor Garafola asked who approved the Bridgewater side of this application. Mr. Cohen stated that it was Bridgewater Town Council. They approved access to Forest View Drive and connecting to use it for the new lot. There was no variance. They entered into the Developers agreement and they will have to pay Bridgewater money when they do curb cuts and if Bridgewater has additional tree plantings in the right of way.

Mr. Villani wanted to close the meeting as it was after 10 o'clock. The application will be carried to September 11, 2017 without further notice.

MASTER PLAN AMENDMENT

Mr. Chadwick stated they would go over the Master Plan at the August 28, 2017 meeting.

■ **SCHEDULE OF NEXT MEETING:**

August 28, 2017 Master Plan Amendment discussion and possible adoption

■ **ADJOURNMENT**

Motion was made by Mr. Toth, seconded by Mr. Villani. All in favor. Meeting adjourned 10:10.