

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
April 24, 2017**

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 (excused)
Committeeman DiNardo
Mr. Toth

Mr. DiBianca (excused)
Mr. Pasi
Mr. Scuderi
Mr. Esposito
Mr. Gallic
Mr. Villani (excused)

Mr. Lindner
Mr. Argiro

- **Announcements:**
None

- **APPROVAL OF MINUTES:**

March 27, 2017

Motion was made by Mr. Pasi, seconded by Mr. Toth to approve the minutes

Roll Call

For: Committeeman DiNardo, Mr. Toth, Mr. Argiro, Mr. Pasi, Mr. Esposito, and Mr. Gallic.

Against: None.

- **MEMORIALIZE RESOLUTION:**
None.

- **CORRESPONDENCE**

None.

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- **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 she added the ordinance No 2017- 08 for review that the ordinance is not inconsistent with the master plan to the agenda. Mr. Chadwick said the ordinance is administrative and it is for the Board of Health procedures. This is a change from the procedure for land use applications when the property has sewer and public water. This ordinance would allow that the applicant does not have to go for a Board of Health hearing, the Board of Health officer could sign off on the application. There were no questions from the board.

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

Roll Call

For: Committeeman DiNardo, Mr. Toth, Mr. Lindner, Mr. Argiro, Mr. Pasi, Mr. Scuderi, Mr. Esposito, and Mr. Gallic

Against: None.

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

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

- **AGENDA Items:**

Case PB 17-01
Joseph Appezzato Building Contractor Inc.
Block 110 lot 14
Preliminary Major Subdivision

Carried from March 13, 2017

Mr. Jay Bohn came forward as attorney for the applicant. The case was continued from March 13, 2017. Mr. Bohn checked that all that were present were eligible to vote. Mr. Gallic stated he listened to the tape, along with Mr. Lindner, and Mr. Scuderi. All giving testimony were sworn in during the first hearing. Plans had been resubmitted and the

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engineer, Mr. Robert Gazzale explained the changes. The location of the existing driveways are now on plans, both driveways are located well away from the bulb of the culdesac. Mr. Gazzale spoke about the discussion on how the applicant might eliminate the need for a variance through extending the culdesac geometrically. He brought in exhibit A-1, Culdesac exhibit. The variance is for the front lot frontage where 66.67 feet is required and 51.4 feet is existing and proposed. Mr. Gazzale went over the driveway and an extension of the right of way into the property, and a curbed alignment at the end of the culdesac.

Mr. Gallic went over the variance, the front lot frontage on the culdesac, The exhibit illustrated a six and a half foot approximately extension of the right of way into the property and a curbed alignment at the end of the culdesac, which would generate the required 67 foot minimum frontage. They were not proposing an actual extension, they are asking for a waiver of that requirement. The exhibit is to show that it could be done. Mr. Gallic asked if this was a condition would it be public or private right of way. It would be an extension of the public right of way (stated Mr. Gazzale); it is a major subdivision because of the sanitary sewer extension so a map would be filed with the county. Mr. Gallic asked if they would entertain a private right of way.

Mr. Chadwick stated that this exhibit shows it would eliminate the variance and creates a waiver to the standards. They would have to get a performance bond for public right of way, while private right of way would require an easement on the property and they still own it.

Mr. Chadwick stated the private right of way functions as a street under the MLUL, but remains in private ownership. The town has no responsibility for it. It would meet the standards. Mr. Bohn clarified that they were discussed right of way and not paved area. And he agreed to that. It eliminates the variance and the town could accept the private right of way.

Mr. Chris Kastrud, the Township Engineer, went through his memo dated April 21, 2017. The subdivision will be filed by map. They had not seen a wetlands map with DEP approval. Mr. Gazzale said they do have it. The township requires that all wetlands and buffers, riparian, buffers be placed within a conservation easement. The plans only propose the wetlands only. Mr. Bohn said they agree on the modified buffer area, approved by DEP.

Mr. Kastrud went over that the construction will be extremely close to the buffer and the plans will be revised to show that. The threshold between minor and major development stormwater was discussed. At the time of the building permit they will require a soil movement application to the engineering department which will review the drainage and soil movement. Mr. Kastrud believes there will be additional trees that will need to come down for the stormwater work to convey the water from the northerly lot to/through the southerly lot. There may be a tree replacement plan required. The plans will be updated to show a variance is not required. The revised plans will also show defined swales along the property. And the stormwater runoff can not be permitted onto the adjoining properties.

Mr. DiNardo wants the engineering department to ensure the plan works for the neighbors and the water goes past the cul-de-sac and try to minimize tree removal to give privacy.

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Mr. Gazzale mentioned they did add an evergreen screen along the westerly property line near Reinman Avenue. Mr. Gallic asked if anyone on the board had questions. Mr. Toth asked about water that drains along the western side of the property and when it goes across the proposed paved driveway and how it will work.

Mr. Gazzale stated it would not need pipes under, and it will go over the driveway. The driveway would not be curbed. Mr. Toth is concerned that the water will come into the Cul-de-sac rather than the drain across the driveway. Mr. Kastrud said you do see single family homes where the water sheets across driveways. There was further discussion on the water flow. Mr. Gazzale said they would agree not to impede water from flowing across the driveway by either curbing or other installations. It will flow southerly into the wetlands area. There was concern for a future owner making changes and affecting the maintenance of the cul-de-sac adding expense to the township.

Mr. Gazzale explained the driveway and that it slopes from north to south. It is depressed for quite a distance so it is a low spot. There was further discussion and possibly having no curbing as a condition. Mr. Chadwick suggested flush curbing if any curbing is installed. The condition is the flow of water across the driveway will not be impeded. Mr. Chadwick wants something in the deed to record this.

Mr. Gallic asked if there were any further questions for the applicant's engineer. Mr. Gallic asked if anyone had items to discuss. Mr. Gallic then opened it up to the public for any questions or statements.

Mr. John Miller came forward from 13 Whippany. Mr. Miller expressed concern of why the town would permit to deviate from standards. The code requires 66.67 feet of frontage on a cul-de-sac and the proposed construction has 51.41 ft. Mr. Miller received a letter on the previous Friday that proposed a conversation for either the frontage or actually one or both of the lots. This was so the property would have the proper frontage. Mr. Miller didn't understand that now there is no variance. Mr. Chadwick went over the right of way of the cul-de-sac private street that meets the 66.7 ft. frontage. There has been debate with the state over the cul-de-sac minimum number of lots. It came out to be that anything of less than six lots in Warren, will be on a private street. The state agreed to that. The revision with the shaded area on the plan's exhibit now gives 66.7 ft frontage. The lot proposed would own that shaded area and it would be an easement on the tax map.

Mr. Schnitzer stated that at the previous meeting they were asked to try to obtain additional land from one of the neighbors in order to come into compliance. You can also offer to sell the property. The plan now does not include a variance. Mr. Miller is concerned that he received this letter on Friday and now there is no variance. The ruling has been about a year and a half ago. Mr. Miller asked about the previous meeting and the question of why they would change standards. It was a variance proposed and they apparently did not all know they had changed the plan and did not need the variance therefore, they did not need to approach neighbors. The applicant brought in the private road proposal. Mr. Miller is concerned about the miscommunication between the attorney and the engineer. Mr. Miller asked for a copy of the exhibit and was handed one.

Mr. Miller is concerned with water runoff, trees, and other items. There was further discussion on the buy/sell letter and private road jurisdiction.

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Mr. Miller brought up that he received the letter the Friday before the meeting indicating it was a variance. Mr. Bohn stated that the letter was to answer the boards suggestion to attempt to obtain land if a variance was required. The variance is not required.

Mr. Miller brought up that there is a constant drainage issue because Reinman Road is above his property and the resident directly behind the subject lot regraded his property and put fill and a retaining wall. The water coming down is substantial. He feels more house will cause more water. There is concern about the driveway.

Mr. Lindner asked Mr. Gazzale if the proposed plan will improve the water runoff on Mr. Miller's property. Mr. Gazzale stated the project will not do anything with the runoff from lot 17. Swales will be constructed alongside the proposed dwelling. In general, the water flows slightly west to east. Mr. Gallic stated that looking at the topo on the corner of lot 16, it looked like there could be some runoff. Mr. Gazzale said they do show a swale in that location. They looked at details on the plans, the swale locations and the proposed tree locations. The trees will be about six feet high.

Committeeman DiNardo asked that the Township Engineer, Chris Kastrud, ensure the swales are done to sufficiently divert the water.

Ms. Linda DiMarsi from 126 Reinman Road came forward. She asked about the screen of trees and asked if she could have a screen of trees along her side also. Mr. Gallic asked how far the house is from the property line. The proposed house is located 28 feet from the property line. Ms. DiMarsi feels it is close as they are used to woods. There is a line of trees now on Ms. DiMarsi's property from close to the street to behind her house and wanted more going down the property line to buffer the new home. The applicant agreed. Mr. Chadwick suggested that they agree to supplement with evergreen trees where feasible. The tree planting will be conditioned on the approval of the township engineer and planner. Ms. DiMarsi asked about the sewerage authority approval. Stage one and four opened up quite a while ago, there will be no septic system. Ms. DiMarsi asked about the driveway and accidents, there is a sign that says hidden driveway. She thinks more signs may be needed. The board said they would look into it. Ms. DiMarsi is also concerned with the water runoff and what the swales are and will do. It is a ditch. She is concerned about what a ditch will look like and how the Reinman Road house water drains. Mr. Gazzale stated they will create a swale that will carry the water beyond the limits of the driveway and improvements and direct the water so it does not run into adjacent properties. There is a drywell proposed for the one lot. The roof runoff will go into the ground. Ms. DiMarsi asked what if it causes a problem. Mr. Gallic said the Township Engineer will be involved.

Mr. Gallic asked if any of the professionals had questions for the applicant. Mr. Kastrud brought up a procedural item. There are details that need to be worked out on the stormwater design. If an underground detention system doesn't work there will have to be some other design. The swales will most likely require the removal of some trees. We need to have defined swales and identify which trees will need to come down, and this needs to be done before construction occurs and soil movement applications are submitted. Trees should be replaced, and those that are required can be placed along the property lines to the east and the west.

Mr. Gallic saw a person from the public that wanted to make a comment and opened it up to the public again. Ms. DiMarsi came forward and her property is about 2 and a

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quarter acres and they have about 1.5 acres open land and then the woods are behind them. In the cleared area after a heavy rain it is very wet.

Mr. Gallic closed the testimony after the applicant was asked. If the application was approved there would be conditions. Mr. Siegel went over the conditions from Mr. Kastrud's memo of April 21, 2017, Item 3, 4, 5, 6, 7 9, 11, and 12. Mr. Bohn brought up the discussion on curbing on driveways, that it would have to be flush. Swales will be constructed to direct the water in a southerly direction as approved by the Township Engineer, the Planner will approve the location and installation of proposed evergreen trees, flow of water across the driveway shall not be impeded by driveway curbing, there will be a provision in the deed related to the maintenance of the driveway, the existing evergreen buffer will be supplemented to provide additional privacy per a decision of the township engineer and planner. Also, a tree replacement plan based on clearing for swales to be approved by the Township Engineer and Planner .

Mr. Gallic asked if any member would like to make a motion. Mr. Toth made a motion to approve with the conditions cited. A second was made by Mr. Argiro.

Roll Call

For: Mr. DiNardo, Mr. Toth, Mr. Lindner, Mr. Argiro, Mr. Pasi, Mr. Scuderi, Mr. Esposito, and Mr. Gallic

Against: None

Mr. Gallic called for a break at 8:38
The meeting was called back to order at 8:48.

Case PB 17-03
CRC Communities
Block 86.01 lot 35
Minor Subdivision

Mr. Richard Sasso came forward to represent the applicant CRC Communities. They had two witnesses, Mr. John Madden, professional planner, and Mr. Robert Gazzale, the engineer for the applicant. Mr. Checchio was present as the applicant. All were sworn in by Mr. Siegel along with Mr. Chadwick and Mr. Kastrud. Mr. Gazzale came forward and was accepted by the board. Mr. Gazzale went over the submitted plans and Mr. Sasso asked that he showed the shape and dimension of the lot. It is block 86.01 lot 35 on the easterly side of Dubois Road at the intersection with Mount Bethel Road. It is a through lot and has frontage on Countryside Lane. It is 155 ft. wide and approximately 1070 ft deep. It contains 3.8 acres and is located in the CR 130/65 zone. There is currently two structures, one a single family and the other a two family and their driveways. Access to the property is from the north end tucked in the corner of Dubois and the adjoining property. The drive is a stone drive. The drive for the subject lot is accessed from what used to be Dubois Road before the county realigning, and it leads to the driveway for the current houses.

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Mr. Gazzale continued—the applicant is proposing to divide into two lots. One lot would be 3 acres and have frontage on Countryside Lane. The second lot would be .8 acres and front on Mount Bethel. The three acre lot would be conforming and be part of Sleepy Hollow subdivision currently being constructed. And on the other new lot --the existing structures would be demolished and a new home would be constructed and face Mount Bethel. They have submitted to the Somerset County Planning Board for approval. The rear lot line falls in the vicinity of a ditch that traverses the property and there are wetlands associated with the ditch area. Wetlands extend back and those would be contained within a conservation easement and it would include the 50 ft buffer also.

Mr. Sasso stated it is a minor subdivision requiring a lot area variance for the front lot. The second lot that is part of Sleepy Hollow is conforming. The lot area is .8 acres vs. 3 acres. There are three buildings currently on the property. There are three sewer connections now and two are proposed.

Mr. Chadwick asked about the common driveways existing on Dubois. Mr. Gazzale proposes to move the driveway as the existing is so far back. There was further discussion on the driveway coming out on Mount Bethel and the traffic on Mount Bethel. There are easements on record for the adjacent lot using the common driveway. Mr. Kastrud said he and Mr. Gazzale went to the property and can understand they would have better sight line where proposed but there is 40 mph traffic. Mr. Kastrud felt with some minor clearing they could achieve better sight line and use Dubois Road.

Mr. Madden was called as the Professional Planner and was accepted by the board. An exhibit A-1 was entered, Photograph of Site. Mr. Madden described the site. He explained that it is a unique lot. It is a through lot, 150 ft wide, and 1070 ft long. The lot exists in two distinctly different residential environments. The Dubois section, is a busy intersection, located across from the General Industrial zone. And the Countryside Lane side, is rural low density bucolic residential environment and the photographs show it. He went over the photos, the two houses, and it showed the Sleepy Hollow development, and it showed the remnant piece of Reinman Road. He suggests the town would like to vacate it and add it to the property. The lot has three dwelling units so this would move more in conformity with the zoning ordinance. The lot is split in half with wetlands. This represents one of the proofs, which it is specific property and unique. Exhibit A-2 was brought into the hearing, with the lots on Mount Bethel from Mountain Blvd and it shows that there are 37 residentially developed lots, of them 56% of those lots are smaller than the proposed lot. They are largely small lots, with older homes so it is unique.

The purposes of the land use law that are being advanced are; appropriate population density (reducing number of dwelling units from three to two), providing sufficient space in appropriate location (fit each unique location), improving the visual environment, can promote public and private by vacating the section of Dubois. There is no substantial detriment to the public good. Permitting a smaller lot is a benefit with this situation because it is consistent with

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the lots on Mount Bethel. The redevelopment of the property benefits the public. There is no substantial detriment to the zone plan and zoning ordinance, the proposed lots are consistent with the neighborhood. And it moves from a nonconforming to a less nonconforming lot.

Mr. Madden said the benefits outweigh the detriments when consider the different residential neighborhoods and consider the two different worlds. The ability to improve the residential on both ends of the property goes toward improving and benefiting the community land use character.

Mr. Madden was done and Mr. Gallic asked if any board members had questions. None did. Mr. Chadwick recommending that they show clearing limits on the plans. Side yard areas should be left in the current state for the Countryside lot. Also, the applicant might seek vacation of the Dubois Road right of way (old ROW). Mr. Chadwick agreed about the two lots with different character.

Mr. Lindner asked if the roadway was vacated would they remove the old roadway/infrastructure. Mr. Sasso said they would.

Mr. Kastrud went over his engineering report from March 17, 2017. There is a cleanup of an arrowhead needed. The conservation easements will include the buffers, bearings and distances will need to be submitted to the engineer for approval. Also, the conservation easement will need to have markers placed along the line. If the threshold of minor and major stormwater management is exceeded for the site and pushes it to major they will need to meet those requirements. If someone puts a pool or tennis courts in, they would /may need to meet those major stormwater procedures. Mr. Toth asked where the catch basin at the bottom right picture drain. There was discussion and it was believed it went into the brook on the property. There was further discussion on the photos and driveway access possibilities.

Mr. Madden came forward with Exhibit A-3, a photocopy of four photos showing dwellings and one driveway and Exhibit A-4 showing one structure and three driveways. Mr. Madden said he went to the property during busy times and did not have a problem entering from Dubois. He is concerned that the county may not give another curb cut onto Mount Bethel. Mr. Madden believed the driveway where it is makes sense with one house. The property does not own the entrance area. The township owns it.

Mr. Chadwick felt it should be a condition if approved that the applicant seeks a vacation from the township for that area, the old right of way.

Mr. Gallic felt that it should not be a condition for vacation. Mr. Chadwick would like the applicant to write a letter asking for vacation of the right of way to the Township Committee. Mr. Gallic asked if any board members had comments. Mr. Gallic sees it as a lowering of the density and that is a good thing. He also

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thinks the subdivision matches the neighborhoods. Mr. Toth felt removing these houses will enhance the area.

Mr. Siegel went over the conditions. They will include Mr. Chadwick's report item 4. Also Mr. Kastrud's report items 2, 3, 5 and 6 will be conditions. Also, the applicant shall apply for vacation of the right of way to the Township Committee.

This portion of the meeting was closed and opened to the public, seeing no one the public portion of the meeting was closed.

Mr. Pasi was recused from this hearing.

A motion was made by Mr. Toth, seconded by Mr. Lindner to approve the subdivision..

Roll Call

For: Committeeman DiNardo, Mr. toth, Mr. Lindner, Mr. Argiro, Mr. Scuderi, and Mr. Gallic.

Against: None.

Recused: Mr. Pasi

SCHEDULE OF NEXT MEETING:

May 8, 2017

■ **ADJOURNMENT**

Motion was made by Mr. Lindner, seconded by Mr. Toth. All in favor. Meeting adjourned at 9:30.