

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
February 8, 2016  
APPROVED**

**CALL TO ORDER** Meeting called to order at 7:35

**FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS**

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 12, 2016 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 Lazo	Mr. Freijomil (excused)
Committeeman DiNardo	Mr. DiBianca
Mr. Toth	Mr. Scuderi
Mr. Kaufmann (excused)	Mr. Gallic
Mr. Lindner (excused)	Mr. Villani
Mr. Argiro	

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

December 14, 2015

Motion was made by Mr. Gallic, seconded by Mr. DiBianca to approve the minutes.

Roll Call

For: Committeeman DiNardo, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

January 11, 2016

Motion was made by Mr. Gallic, seconded by Mr. DiBianca to approve the minutes.

Roll Call

For: Mayor Lazo, Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

▪ **MEMORIALIZATION OF RESOLUTION/S:**

- Memorialization of Resolution PB 15-12, CRC Communities at Conklin Lane, Inc., Block 62, lot 13.01, Conklin Lane Minor Subdivision approved December 14, 2015.

Mr. Gallic motioned to memorialize the resolution, seconded by Mr. DiBianca.

Roll Call

For: Committeeman DiNardo, Mr. Toth, Mr. Dibianca, Mr. Scuderi, Mr. Gallic, 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**

■ **CORRESPONDENCE**

**None.**

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

Mr. Villani opened this portion of the meeting and then seeing no one come forward closed this portion.

**AGENDA Items:**

**CASE # 1**                      **Case #: PB-15-04**  
**Block: 90 lot: 3**  
**Road: 28 Mountain Blvd.**  
**APPLICANT: 28 Mt. Blvd, LLC**  
**LOCATION: 28 Mountain Blvd.**

**PROPOSED: 5003 SF building area- variance for minimum lot area (existing; minimal side yard setback(existing))**

**Carried from December 14, 2015**

Mr. Villani announced the case and Mr. Sasso came forward explaining they had gone over most of the case at the last hearing in December. Mr. Sasso went over the signs and brought in Exhibit A-14, three photographs of the neighboring site to 28 Mountain (26 Mountain) Blvd. Mr. Sasso asked Mr. Berlant to go over the signs on 26 Mountain

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Blvd. The pictures showed the signs on the building itself and the plan is for those to remain, and the stand alone pylon sign that is actually on the 30 foot right of way for the driveway for 28 Mountain Blvd property will be removed with no replacement.

Mr. Berlant stated that the existing building at 28 Mountain Blvd will come a slight bit closer to Mountain Blvd but will not obstruct the view of 26 Mountain Blvd, it will still be behind the 26 Mountain Blvd. building.

Chairman Villani invited the public to come forward if they had any questions. Ms. Daryl Zareva from 6 Wilshire Road came forward and she was sworn in by Mr. Siegel. She asked about the exit plan coming onto Mountain Blvd. Mr. Villani went over what the Police Department preferred. If going east and going to the proposed new building you make a right turn onto the property and if going to the deli you will go left into the parking lot. The parking lot in the deli and the exit will remain the same. There will be a stop sign for people exiting the property from the 28 Mountain Blvd site near the front of the 26 Mountain Blvd building. So, they will stop and give the person coming in a chance to come in and either go further back or turn left into the deli. Mrs. Zareva showed some pictures (6) and they were marked into evidence as P-1, taken January 7 at approximately 3 p.m that she had taken. They were from the top of Wilshire Road, and on Mountain Blvd. The nail salon and plumbing building, the Kindercare, and other offices are all coming in and out of the parkings lots. There was further discussion on the cars coming and going from the deli. Ms. Zareva feels it adds more congestion and crossing from the deli may cause problems. Mr. Villani stated that they objective is to ensure that the situation does not get worse. Mr. John Chadwick spoke about the rules and permitted use and the preexisting variances, and that all else meets the standards and the testimony supports the application.

No one else came forward, so Mr. Villani asked Mr. Chadwick for his input. Mr. Chadwick stated that the applicant has agreed there will only be one practicing professional on site in the renovated building, the traffic changes with signage was agreed to, and the free standing sign will be removed. The latest plans address earlier comments, including the landscape plan.

Mr. Siegel went over some of the conditions, the rear building will be general office only, the building will be sprinklered, and there will be a lights out on plan. Mr. Christian Kastrud, the township engineer, brought up that the applicant has done the best they can do to control the entrance and exit with the additional stop bar and stop sign. The county has required an extension of the curbing of the sidewalk in front. Mr. Kastrud asked about a proposed sign for 28 Mountain and if any of the 26 Mountain Blvd businesses would be included. Mr. Berlant stated they propose a sign in front of the existing house (to be renovated into office). The sign will only be for the 28 Mountain Blvd businesses.

Mr. Villani asked if anyone else from the public would like to come forward. Mr. Jonathan Wolfson from 9 Wilshire came forward and asked about the egress out of the parking lot in front of the deli. The deli will only be able to exit the easterly exit and go either way.

Mr. Rick DePihno from 11 Wilshire came forward and asked about the experts from the last meeting and that the residents didn't get a chance to ask questions of them. There were questions about traffic. Mr. DiPinho also asked about the conditions and lighting at the back of the building and shading on the windows. Mr. Gallic brought up that some of

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those items are in the resolution and some of them are in the ordinances of the town. There are rules on how much light can be spread. Mr. Berlant stated there are no lights to the rear of the building, the lights are in the parking lot and they are shoe box so they are straight down. The windows have been cut down by about half mostly in the rear, but also on the sides. Mr. DePihno also commented on the SUVs and trucks coming out of the deli and indicated it is going to be increased traffic and a significant problem.

Ms. Colleen Grundfest from 7 Wilshire came forward and asked about the house next to the deli which has children living there and feels it is dangerous, especially pulling out left of Wilshire. There were issues with limited sight coming out after the snow storm. The board agreed that the snow cause issues at corners. Ms. Grundfest was upset that the traffic just gets worse. Mr. Villani closed out this portion of the hearing and the board went into discussion. Committeeman DiNardo felt it is the best plan for the site. Mr. Toth doesn't care for this type of construction with a building in the back and it reminds him of a flag lot, it could have been a two level building. Mr. DiBianca brought up that property owners have rights within the ordinances and it is not the best situation but it is legally the right of the property owner.

The application was brought to a vote. Mr. Gallic made a motion to approve with conditions, Mr. DiBianca seconded it.

**Roll Call**

For: Committeeman DiNardo, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani  
Against: Mr. Toth

**CASE # 2**                      **Case #: PB-15-15**  
   **Block: 91 lots: 2 and 1.02**  
   **Road: 8 and 10 Mountain Blvd.**  
**APPLICANT:**                **Cornerstone/ Berlant**  
   **Major Site Plan**  
**LOCATION:**                    **8 and 10 Mountain**

**Proposed increase parking and drainage**

Chairman Villani announced the case and asked Mr. Sasso to introduce the case. Mr. Sasso stated this was for 6 additional parking spaces for a commercial sites. Mr. Gazzale was sworn in as the engineer for the project and Mr. Kastrud and Mr. Chadwick were also sworn in by Mr. Siegel. Mr. Gazzale went over the site plan. Five spaces on one lot would be added and one on the other by piping the drainage ditch differently as shown on the plan. Mr. Berlant went over the tenants in the buildings, all medical. Mr. DiBianca asked about Green Brook; they have already approved the proposal.

There is a request for a variance for maximum lot coverage on lot 2, where it is 60.1% where 60% is permitted. There is a pre-existing previously approved variance for maximum lot coverage and floor area ratio also on lot 2.

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Mr. Chadwick had no comments. Mr. Kastrud asked the reason for exceeding lot coverage. Mr. Gazzale stated to get additional parking. It is needed for functionality of the parking lot. DEP permits were needed and it is the only place to get additional parking. There is no change to the flow of the site, or landscaping, there will be some enhanced lighting for the new parking. Mr. Villani asked if anyone from the public was there for the case. Seeing no one, he closed that portion and went into discussion for the board.

A motion was made by Mr. Toth, seconded by Mr. DiBianca to approve the application.

Roll Call

For: Mayor Lazo, Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

**CASE #3:                   Case PB15-14  
                                  Block 24 lot 7.03  
                                  Road: Liberty Corner Road  
                                  Sousa  
                                  Major Subdivision (2 lot-- off tract improvement)**

Mr. Villani introduced the case and Mr. Erwin Schnitzer came forward to represent the applicant, Mr. and Mrs. Sousa. Mr. Schnitzer went over the application for a major subdivision. There are no variances required. Mr. Bob Gazzale came forward as the engineer for the applicant and was accepted and sworn in, along with Mrs. Sousa, Mr. Kastrud and Mr. Chadwick by Mr. Siegel.

Mr. Schnitzer asked Mr. Gazzale to go over the township reports. The lots (2) conform to the zone requirements but it is a major subdivision due to the off tract improvement for sewer. The house that presently exists is serviced by public water and they will obtain a will serve letter from the utility company. They discussed the existing septic that will be removed. The Somerset County board did not require a common driveway.

The health department had a memo that was addressed--will serve letter, wetlands were investigated and there are no wetlands, septic will be abandoned. They asked about wells, there are none. A garage is being used for storage and the fence is for a garden.

Mr. Kastrud spoke about the case, it will be a major subdivision, so plats will be required with the county instead of deeds. The drywell location will be reviewed at the time of the soil movement application and possibly moving the drywell closer to Liberty Corner Road out of the back yard of the adjoining properties and tie the overflow into the county system if they allow it.

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The applicant agreed. Mr. Kastrud brought up tree preservation for the Elm St. properties. He suggested no existing vegetation be removed within the 25 foot yard setback, along the northerly property line.

Mr. Schnitzer went over the Environmental Commission Report.

Mr. Villani asked if anyone from the public wanted to address the board. Mr. Keith Seda from 2 First St. came forward. Mr. Siegel swore in Mr. Seda. Mr. Seda spoke about his own subdivision 13 years ago and that they extended the sewer. This is a wonderful opportunity to extend many of the services below grade that exist on Liberty Corner Road into this easement that extended back onto Elm and First Ave. Natural gas and water would be welcome. People use oil currently. Mr. Villani felt it is not required by the applicant. Mr. Schnitzer stated they have been required to extend the sewer from Elm up to First St. Mr. Gazzale stated they do provide tie in for the properties they pass. Notices were required to be sent to those residents.

Mr. Villani went over the condition that existing vegetation remain in the 25 foot setback. Mr. Villani asked if anyone else wanted to come forward; seeing no one he closed that portion. He asked for discussion from the board. There were no further comments.

Mr. Toth made a motion to approve with condition, and was seconded by Mr. DiBianca.

Roll Call

For: Mayor Lazo, Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

## **MASTER PLAN**

### **Master Plan Land Use Element Amendment**

Mr. Chadwick went over the Amendment and that the hearing was noticed and carried to this meeting. It was submitted to the county and adjoining communities and the Planning Board has gone over it.

Mr. Villani asked if anyone from the public had comment. Mr. Rick DiPihno came forward from 11 Wilshire and he went over that he did go over the plan in the Planning office. He questioned item 17 that concerned split lots that were RBLR and residential and making them all RBLR. He was concerned because the earlier case eight years proposed a parking lot that would be in the area that was in the residential area. He felt this change would permit it because it would

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change the zone. It looked like the Esposito lot and Mr. DiPihno and Mr. Chadwick had a meeting. Mr. Chadwick stated it does not apply to Esposito property and it was corrected. The map was corrected. There was discussion on the previous zones along Mountain Blvd and the changes in the right of way widths.

Mr. Chadwick continued with the zoning changes. The lots on Wilshire will be changed from acre and a half zoning to 10,000SF zone, and also the Plainfield Gardens area will go to 10,000SF zone. This will alleviate the need for variances and going before the Board of Adjustment.

Mr. DiPihno brought the topic back to the split lots along Mountain Blvd. The RBLR and then in the back would be residential. Why would it be changed now because it would affect the current residential properties. Mr. Esposito could look at the change and want it for his property.

Mr. Chadwick spoke about the lot on the corner of Straight and that it does extend further back. The DEP regulations have become more stringent because of the Riparian buffers. This is part of the town center area. Mr. Chadwick felt it was best to make it all RBLR. Mr. DiPihno thought there could be more recreation areas instead of commercial. Mr. Chadwick pointed out the lot is environmentally restricted, and the back of the lot is restricted due to Riparian buffer zones. Mr. Gallic stated the changes are made to make things more correct. The Esposito property has maybe 20% in the RBLR and on the Straight Lane it is more 50-50, so it is more correct.

Mr. DiPihno appreciated the information, but is concerned and feels a house would be a better buffer. The board appreciates that Mr. DiPihno has brought up the issues.

- Memorialization of Resolution PB 16-04A Amendment to the Land Use Element of the Master Plan, report dated November 17, 2015.

Mr. Gallic made a motion to adopt the Land Use Amendment, and Mr. DiBianca seconded it.

Roll Call

Mayor Lazo, Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Gallic, and Mr. Villani.

Against: None.

■ **ADJOURNMENT**

Motion was made by Mr. Gallic, seconded by Mr. DiBianca. All in favor.  
Meeting adjourned at 9:00 p.m.