

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
March 28, 2016  
APPROVED**

**CALL TO ORDER** Meeting was called to order at 7:30 p.m.

**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. Pasi (new member)
Committeeman DiNardo (excused)	Mr. DiBianca
Mr. Toth	Mr. Scuderi (excused)
Mr. Kaufmann	Mr. Gallic
Mr. Lindner	Mr. Villani
Mr. Argiro	

- **Announcements:**  
None

- **APPROVAL OF MINUTES:**

February 8, 2016

Roll Call

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

Roll Call:

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

Against: None.

- **MEMORIALIZATION OF RESOLUTION/S:**

- Memorialization of Resolution PB15-04, 28 Mountain Blvd, LLC Preliminary and final Site Plan Approval, Block 90, lot 3, 28 Mountain Blvd.

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

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Roll Call

For: Mr. Dibianca, Mr. Gallic, and Mr. Villani.  
Against: None

- Memorialization of Resolution PB15-14, Americo A. and Sara s. Sousa, Preliminary and Final Major Subdivision Approval, block 24, lot 7.03, 84 Liberty Corner Road.

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

Roll Call

For: Mayor Lazo, Mr. Argiro, Mr. toth, Mr. Dibianca, Mr. Gallic, and Mr. Villani.  
Against: None.

- Memorialization of Resolution PB 15-15, Cornerstone Properties I, LLC, and doctors Realty Associates, LLC, Preliminary and final Site Plan Approval, block 91, lots 2 and 1.02, 8 and 10 Mountain Blvd.

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

Roll Call

For Mayor Lazo, Mr. Argiro, Mr. Toth, Mr. DiBianca, 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**

None.

- **CORRESPONDENCE**

Ordinance Book Supplements #62 to Volume 1 and Supplement #38 to Volume II, through December 2015

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

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Mr. Villani opened the portion to the public for non-agenda items. Seeing no one come forward, closed this portion.

**AGENDA Items:**

**CASE #1:**                    **Case PB16-02**  
                                 **Block 212 lot 16**  
                                 **Road: Stiles Road**  
                                 **APPLICANT: Warren Construction**  
                                 **LOCATION: 25 Stiles**

**Proposed: Minor Subdivision**

The case was carried to April 11, 2016.

**CASE # 2**                    **Case #: PB-16-01**  
                                 **Block: 96 lot: 20**  
                                 **Road: Old Church Road.**  
                                 **APPLICANT: Old Church Road Associates LLC**  
                                 **LOCATION: Old Church Road**

**PROPOSED:**  
**Preliminary Major Subdivision--Variable lot size subdivision  
for 38.7 acre tract**

Ms. Guliet Hirsch came forward as the attorney for the applicant, Old Church Road Associates, LLC to go over the proposal. The application proposes a 10 lot preliminary major subdivision with a road extension of Old Church Road and a Road A with sewer extensions in both of the roads. The notice for the application was given and published and was in order. Ms. Hirsch asked Kevin Page, the engineer to come forward for the application. Mr. Page gave his qualifications and was accepted by the Planning Board. Mr. Siegel swore in Mr. Kevin Page, Mr. Girard L. Burdi (developer representative), Mr. John Chadwick (Township Planner), and Mr. Christian Kastrud (Township Engineer).

Mr. Villani invited Mr. Page to introduce the case and then go over the reports from the Township professionals. Mr. Page stated the property is 38.7 acres and is 675 feet wide and almost 3000 feet deep. The change in elevation goes from a high of about 530 at the northern end to about 290 in the SW corner. The plans are shaded to show the steep slopes. The property to the south is open space owned by Watchung. To the west is Wexford Court. To the east is the golf course. To the north is undeveloped. The proposal is in the CR-130/65 zone and is 3 acre minimum. It will have sewer, water, and gas. It is proposed to be developed under the variable lot size option. Mr. Page went to sheet C-1 for the conforming plan and it shows that 10 lots are permitted. Four lots are shown to be to the north. For the proposed plan it shows a different layout, with no less than 1.5 acres and the lot width has to be 200 instead of the 150 feet. The side yards have to be

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increased from 25 each (or total of 50 feet) to 75 total. The Wexford lots are acre and a half zone, so the smallest proposed lot is still larger than the Wexford lots.

It will be a municipal road with curbing and underground utilities. Mr. Page went to the grading plan, drawing 3. It is a wooded property and there are conservation easements proposed as to avoid clear cutting lots, along the back and some of the sides. Sleepy Hollow development is another development that used conservation easements. Mr. Page showed the cover sheet and the watercourse that cuts through the property diagonally and goes to the golf course. The golf course ponds are fed by the watercourse and they would still like to maintain the water. Mr. Page stated this proposal would intercept the clean water running southerly and would be discharged to the south of the road to continue to feed the water to the ponds. The water that runs in a south west direction will be captured in a water quality detention basin and will then later run parallel to Mountain Boulevard and enter the golf course, and on to Watchung Lake. They have met with DEP on this proposal. It has a new survey, and wetlands delineation. Some of the houses will have drywells. There will be three fire hydrants. The water will be extended off of Old Church. The sanitary sewer will be gravity system and they are negotiating to buy an easement from an owner on Wexford Court.

They have applied to Somerset Union Conservation District, Board of Health, Somerset County Planning Board, and Sewer Authority.

Mr. Page stated there is an error on the plans that has to do with side yard setbacks on 2 lots. Lots 20.01 and 20.07 only had 25 and 25 sideyard setbacks and he brought in Exhibit A-1, Amended Side Yard Setback, dated March 28, 2016, with the changes to correct and increase to 75 feet total as required with the variable lot size option.

There are no variances.

Mr. Lindner asked about the gravity feed to Wexford and the Sewerage Authority approval. It is in the Middlebrook stage. Mr. Lindner asked about the retaining walls on 20.01 and 20.02. Mr. Page went to Drawing 3, the grading plan, and the retaining wall for driveways for the conceptual houses. The height is estimated at four feet. The conceptual houses are 5000 to 6000 SF. Mr. Lindner brought up that the Historical Sites Committee (that he is a member of) have walked the area and it was thought there may be a cemetery on the site. Mr. Siegel, also on the committee, said he thought a very early settler might be there. Mr. Page stated they have not gone over the whole lot in detail but they would be careful to look out for it and document it, and that may be a condition. Mr. Villani wants a follow up on this. There was a cemetery a hundred years ago, but there are no details. Mr. Page stated he may be able to get some information from Watchung on the Open Space property. Mr. Villani would like reports from the excavator by areas during construction.

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Mr. Villani went to Mr. Chadwick's report. Mr. Chadwick went over his report from January 25, 2016 report and the revision on March 7, 2016. Mr. Chadwick's report is March 14, 2016. The revised plans answered some of the questions from the TCC meeting. The variable lot is permitted and the schedule has been corrected, the clearing limits, and conservation easements are consistent with each other. There are two storm management facilities, one behind the lots that go up steep slope to the north, and the other is the detention facility in the S.W. corner, and they will have to be under homeowner association responsibility, and will need to see the document before the development goes to final approval.

Mr. Chadwick went over sheet 2 and the "arrowhead" (north end of the lot). It is hard to see on the plan because it is not all shown as one piece. There is one proposed lot that is ten acres that has the "arrowhead" at the north end and the southerly portion that fronts the road is where the house is proposed. There is conservation area shown in the steep slope area, and then on the top that opens again is not proposed for conservation. This area abuts other land that are also restricted to conservation easements. There is no means of access to that northern area of the lot. He discussed the property that was approved a while ago on Helen Street with the conservation easement and established no access north from Helen Street. Mr. Chadwick feels all the lands beginning with the steep slopes and going north should be included in the conservation easement.

Mr. Page brought in an Exhibit, A-2, a reduced photo copy of the Warren Township tax map, sheet 117, and it shows lot 20, and pointed out the lot to the west, 19.07. Lot 19.02, 19.03, 19.04, 19.05, and 19.06 have restrictions at the southern side of the lots and 19.07 has an additional line at the northern end. They made the line correspond to the easement on 19.07. There is usable land in this northern area of proposed lot 20.01. The applicant has had conversations with the owner of lot 45. While it can't stand by itself, in conjunction with other abutting properties, it has value. They don't want to restrict it.

Mr. Chadwick pointed out that lot 19.07, with a 20 foot wide pedestrian trail easement that surrounds the entire lot, and has a restriction that there will be no vehicle access from Helen St. This makes that area of the other lot difficult, or very restrictive. Mr. Chadwick stated that the plan has been to keep things as they are, with the golf course staying, and the gun club has indicated that they will continue the use. Mr. Chadwick feels the applicant should reconsider this to be in a conservation easement.

Mr. Page stated they have discussed with the owner next to this lot and feels it does have value. There was further discussion and an issue of a flag lot. Mr. Page agreed they could have a deed restriction that they could not request a flag lot for that area off of Old Church Road. Mr. Chadwick brought up the question of being able to subdivide that arrowhead portion of the development and still be compliant with the lot yield. Mr. Page stated they could.

Mr. Chadwick brought up lot 19.07 and its northern portion has a deed restriction on the portion not in a conservation easement. This may be the compromise position that could be used for the arrowhead. It was suggested that the

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proposed lot arrowhead have the 20 foot pedestrian easement around it, and also have the no vehicle access from Helen St. There was discussion on value not being part of a decision.

Mr. Chadwick stated that the Township plans for the area had been conservation easement elements.

Ms. Hirsch responded to issue. The property is in the CR130/65 zone. If the Master Plan shows it in a conservation area or for future conservation then the board would be obligated to pay for a one year option on that part of the property and then decide within that one year period whether it would acquire the property or not. Ms. Hirsch assumes that is not the case, the property is zoned for this use. The client does not want a conservation easement on it and they want to keep an opportunity to develop it open. In order for the board to impose a condition requiring this part of the property to be deed restricted for conservation, there has to be some valid public purpose and it cannot be unnecessarily burdensome on the owner. She cited a Law Division decision by Judge Serpentilli, Orlowski vs. Ship Bottom from 1988. She stated it is not a municipal purpose to prevent land from being developed as per zone. It is not zoned for conservation, it is zoned for single family houses. It is unnecessarily burdensome for the applicant. It is not a steep slope area, and not in wetlands. If at some point there is an agreement with an adjacent property, they would have to come to the Planning Board for any development.

Mr. Chadwick discussed the topo on the plans and does not see enough detail on it. The board might need to have more information on the topo. Ms. Hirsch stated they could agree for the preliminary (to provide more for final) and could look at this at final. Mr. Gallic felt the information is necessary for a decision. He is concerned with the road grade and would like to see the 15% shading throughout the plan. Mr. Page agreed to it, but would like to hear more on the road grade questions.

Mr. Lindner said the erosional features are quite extreme in his opinion. There must be water running through and is concerned with water going across or under road. Mr. Page stated they have intercepted the water uphill. There was further discussion as to if it is over the road or under the road and the grades.

Mr. Gallic asked Mr. Kastrud if they ask for comments from DPW on new roads; they do not. Mr. Lindner again wants to make sure the state open water does not run under the road because it looks like it is appearing right at the road. The LOI was recently re-issued.

Mr. Chadwick felt they should check on the fact, and supply the deed for lot 19.07.

Mr. Villani asked Mr. Kastrud to go over his report.

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Mr. Kastrud went over his reports. There is no road way to golf course for future development; Mr. Page agreed. The DEP issued an LOI in 2007 and was re-issued till 2019. The sewer easement for lot 19.13 does not have an agreement but they did notice for that property, the agreement would be a condition of approval. The conservation easements shown on plans need to be shown on the final plat. Mr. Page pointed out there are two clearing limits on the plans; one is everything outside the conservation easement--the maximum outside the conservation easement due to the design of the storm water. The house that is built may be different, or they may want a pool, so they used the maximum clearing limits. But they also show supplemental clearing limits for the builder to live by. Mr. Kastrud would like a note or something on the plan that calls out where that maximum is, for future homeowners. The existing improvements are outside the legal right of way of Old Church Road. Mr. Page review of the final plat showed it was a temporary culdesac bulb. When it would be extended the bulb would be extinguished and it is a municipal right of way now. Once it is extended, they would remove the bulb and have only one at the end.

The detention facility shall be inspected and tested by the Township Engineering department prior to acceptance by the township. The detention basin needs to be constructed and functional prior to any building permit being issued. An operation and maintenance manual will be required.

Mr. Page discussed the Sewerage Authority and that no report has been issued. There will be study by a consultant for the authority.

Mr. Chadwick discussed getting the information for the steep slopes, and checking on the restrictions for the lot 19.07 they can proceed.

Mr. Villani brought up the Environmental Commissions report. Mr. Page stated that a lot of the concerns were addressed after the TCC meeting. He stated that the ordinance requires street trees and they are shown and the goal is to retain as much of the wooded area as possible.

Mr. Villani wanted to make sure we got an updated plan to the Environmental Commission and may suggest that the chair contact Kevin Page.

Mr. Kastrud discussed clearing near the detention basin and for the sewer easement and that it is up against Wexford Ct. Can they shift or rearrange the geometry of the detention basin to give some buffer. Mr. Page stated they had tried many configurations and want a modest depth basin. Maybe some supplemental plantings could be planted.

Mr. Gallic asked what the delta is between the new topo and the old topo. He asked Mr. Kastrud to compare.

This case was carried to April 11, 2016 with no further notice.

■ **SCHEDULE OF NEXT MEETING:**

April 11, 2016  
Pending cases

PB 15-13 Walters Major Subdivision Northridge/Hillcrest—wetlands  
certification letter received

■ **ADJOURNMENT**

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