

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
April 25, 2016
APPROVED**

CALL TO ORDER Meeting was called to order at 7:40

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
Committeeman DiNardo (excused)	Mr. DiBianca
Mr. Toth	Mr. Scuderi
Mr. Kaufmann	Mr. Gallic (excused)
Mr. Lindner (excused)	Mr. Villani
Mr. Argiro	

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

April 11, 2016
Roll Call

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

For: Mayor Lazo, Mr. Kaufmann, Mr. Argiro, Mr. Pasi, Mr. DiBianca, Mr. Scuderi, 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 asked if anyone was present for non-agenda items. Seeing no one come forward this portion of the meeting was closed.

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■ **AGENDA Items:**

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

This application was carried from March 28, 2016 and April 11, 2016. Slope analysis map submitted as requested.

Ms. Guliet Hirsch came forward for Old Church Road and questioned the status of the timeframe of the application. It was submitted on February 1 and they did not receive an incomplete notice. The 45 days for making a decision would be May 2, 2016. Mr. Kevin Page (engineer for applicant), Mr. Christian Kastrud (Township engineer), and Mr. John Chadwick (Township Planner) remain sworn in from the last meeting.

There was discussion on the northern portion of the property (was referred to as hatchet area). Ms. Hirsch went over the application--it is a 10 lot subdivision under the variable lot size provision. It complies with the zoning. They went over the memos. Mr. Chadwick's memo from April 13, 2016 was not received by applicant or Ms. Hirsch. There was a question on whether they also did not receive a memo from the Environmental Commission.

Ms. Hirsch updated on the case, the sanitary easement was executed, for lot 19.03. It was brought in as Exhibit A-3, the copies were marked and handed out to the board. Ms. Hirsch brought up a conditional approval from the Sewerage Authority.

There was a discussion concerning the possible burial ground on the property. It will be included in the resolution. Ms. Hirsch received Mr. Chadwick's memo from March 31, 2016, with a filed subdivision for Block 96/lot 19.07, restricting access from Helen St. Ms. Hirsch brought up the deed to Old Church Road Associates that showed there are no deed restrictions. This was marked as Exhibit A-4 (block 96/lot 20), dated August 12, 2015 deed between Ness and Old Church Road Associates.

Mr. Chadwick went over some more on the arrowhead portion of proposed lot 20.01. Mr. Page did provide a slope analysis of the area. Mr. Chadwick had a memo from April 8, 2016 on that and also referred to the resolution creating the adjoining lot (19.07). The slope analysis is accurate and shows steep slopes areas and a good portion of this property that is also between 10 to 15% slope. There is a flat area at the top of the mountain and goes down from there north and south. Mr. Chadwick stated that the master plan shows a portion of this property in the arrowhead portion and a steeply sloped area central of the property in conservation areas. The last meeting it was discussed that the back portion of this large lot would not be further subdivided. There is a deed restriction on the adjoining lot prohibiting access from Helen St. After reviewing the open space element of the master plan, and this lot's steep slope analysis; there should be consistency and they should restrict the areas that are steep, using a straight line. There is a report by Mr. Chadwick dated April 13, 2016 and he went over it and the potential future development of lot 20.01 as shown on plans prepared by Page Engineering dated March 17, 2016. The plan proposes a variable lot size pursuant to

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zoning ordinance 16-10.6a. A requirement in the above section is to establish a yield map determining the number of lots permitted. The plan shows ten conforming lots. Proposed lot 20.01, although oversized cannot be further subdivided. In this, Mr. Chadwick, recommends a deed restriction. Mr. Chadwick wanted to know if the applicant would be agreeable to a conservation easement along the steep slope portion of lot 20.01, which would parallel the power line right of way. There are ten lots allowed on this tract by standard lot application and ten lots permitted under the lot size averaging. This should be identified for anyone looking to subdivide.

Exhibit A-5 was brought in (PB-2) subdivision plan, this showed all the lots on one sheet/view. There was discussion about lot 19.07 and it is not developed, and a portion is in conservation easement. The tax map shows the conservation easement. There is a trail easement that runs along the border of the lot and no vehicular access from Helen St. There was further discussion on the open space plan and this arrowhead portion of the proposed lot 20.01. Mr. Chadwick stated he had proposed the whole arrowhead portion be restricted at the last hearing; he sees that the conservation easement was not proposed in the open space for the entire area. The power line right of way proposed conservation easement is not arbitrary. And it may be required that a note be in the deed that the property was created by a provision of the zoning code which permitted 10 lots on the land; to the extent there would be required variances to add this piece or create a separate lot to this piece in the future.

Mr. Kastrud agreed with Mr. Chadwick that any future subdivision of the proposed lot would require a board approval. Mr. Villani wanted to ensure that gets documented. Mr. Siegel agreed and it will be worked on to include it in the resolution.

Mr. Page feels that the qualifying plan is sound and the lot 20.01 is large. It has limited frontage. He discussed the possibility of someone selling that northern portion to another adjoining lot. Mr. Chadwick brought up that changing lot lines does not create a new lot. But if the lot becomes a separate lot, then the zoning standard (16-10.6a) would apply.

Mr. Page stated they could have the traditional lot configuration and be allowed 20 lots. Mr. Chadwick wants it in the deed that the lot could not be subdivided (lot 20.01). Mr. Page feels lot 20.01 owner could transfer (Lot line change) to abutting property owners and would still not violate the 10 lot creation. Mr. Chadwick restated it cannot create new lots.

Mr. Page stated that the lot 20.01 is 9.4 acres so if some was given to 19.07 and maybe gave off another portion to another property it would still qualify because it is still 3 acres.

Ms. Hirsch felt that there isn't a problem as long as the board allows a portion to be subdivided and transferred to a neighbor. It is all subject to the Planning Board. Mr. Chadwick asked if the applicant agrees to put something in the deed that states the property was created using the variable lot line provision (16-10.6a). Mr. Chadwick also asked about the conservation easement along the power lines, the slope area. Mr. Chadwick asked if they knew they could get to Helen St. under the power line.

Mr. Page brought up that Forest Dr. may be another option, possibly across lot 56. Mr. Chadwick believes it is too steep. There was further discussion on adjoining properties, steep slopes, and Forest Dr., and the easement along the power lines. Mr. Chadwick suggests a straight line connection on the steep slope conservation easement. Mr. Page also stated that they will agree to the conservation easement along the power with

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the condition that a 50 foot access will be permitted somewhere along that easement to be defined in the future. The area of conservation easement is 850 foot long, and Mr. Page suggests 50 foot wide.

Mr. Page went over the letter from the Somerset County Planning Board and that the issues had to do with the final plat and the recycling fee for each lot.

Mr. Villani asked for any comments from the board. Mr. DiBianca felt it was explained well and agreed to the proposal of the conservation easement. No one had other comments. Mr. Villani stated the no new lot will be a condition. Mr. Siegel went over conditions-- Mr. Kastrud's memo items 3, 4, 5, 6, 7, 8, and 9 and the applicant has agreed to include as conditions if approved. Mr. Page and Ms. Hirsch agreed.

Mr. Kaufmann brought up the existing cul de sac and Mr. Page stated the new extension will require the easement vacated, pavement removed, and property will revert back to the owners.

Mr. Chadwick brought up a report from the Environmental Commission dated April 19, 2016, which he had reviewed. The majority of the comments are handled through the subdivision compliance process and the soil movement process, ensuring no clear cutting.

Mr. Page asked if the Environmental Commission got the environmental impact report.

Mr. Villani opened to the public for any comments. Mr. Dan Cronheim came forward and he is the adjacent owner attorney for Twin Brooks Country Club. He was concerned with what the conservation easement will say, as the property line along the golf course is not easily defined as it might be and they try to maintain the area, cutting shrubs. Mr. Chadwick stated the easements will have conservation markers. The golf course brought up a 50 foot easement along the property line. There should be no problem with the golf course and going into the conservation easement. Mr. Cronheim has had issues in the past with towns and not upholding the easements.

The public portion of the hearing was then closed and the board went into discussion. Mr. Villani asked for a motion. Mr. Kaufmann made a motion, and it was seconded by Mr. DiBianca, subject to conditions. The board will have a chance to look at the resolution before it is voted upon for memorialization.

Roll Call

For: Mayor Lazo, Mr. Kaufmann, Mr. Argiro, Mr. Toth, Mr. Pasi, Mr. DiBianca, Mr. Scuderi, and Mr. Villani
Against: None.

There was a ten minute break, the meeting was called back to order at 9:10 p.m.

CASE #2: **Case PB16-02**
 Block 212 lot 16
 Road: Stiles Road
 APPLICANT: Warren Construction
 LOCATION: 25 Stiles

Proposed: Minor Subdivision

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The application was carried from April 11, 2016. Revised plans

Mr. Joseph Sordillo came forward as the attorney for the applicant, Warren Construction. It is for a minor subdivision, Block 212, lot 16, and is approximately 1.064 acres and located in the R20V district. It would be for two residential lots and they will be compliant with the zoning ordinances. He had one witness, Mr. Kevin Page, the applicant's engineer. Mr. Siegel swore in Mr. Page, Mr. Chadwick, and Mr. Kastrud. Mr. Page was accepted by the board. Mr. Page went over the application for 25 Stiles Road and went over the plan itself. The proposed home will be removed. The lots will be compliant and there will be a dedication for Stiles Road. One lot is 105 feet wide and the other is 121 feet wide, the property sits on a knoll and is higher in the center. The new homes will connect to the existing sanitary sewer lateral. The houses will be served by two new wells. They did receive approval for the sewer, and received approval from Somerset Planning Board. Mr. Page stated the southwest corner of the property is impacted by the 75 foot setback riparian buffer. They asked for a wetland certifier, Ed Kuc to delineate the property wetlands. It is not on their property, although the buffer is. It will be shown on the plan (riparian buffer and wetland buffer) and it is not where houses would be built.

Mr. Sordillo noted that the plans being discussed were submitted to the board dated February 18, 2016 with latest revision of April 4, 2016.

Mr. Villani asked Mr. Chadwick to go over his report. Mr. Chadwick went over his report from March 1, 2016. The subdivision complies with the R20V district. The riparian and buffer areas were addressed. Mr. Chadwick asked if they had applied to DEP for buffer/riparian. Mr. Page stated that under a minor subdivision it is allowed to have a qualified expert to establish. The conservation easement will be based on Mr. Kuc's report.

Mr. Kastrud went through his report dated April 8, 2016, and his later memo was dated April 20, 2016. The report was not received by the board and Mr. Kastrud went over the April 8 report as it was very similar. Utilities will be well and septic, no variances. The subdivision if done by deed will have metes and bounds submitted to the Township Engineering department for review, along with the conservation easement metes and bounds, the new lot numbers are on the revised plans, and the soil movement will be required by engineering. On the new plans, Mr. Kastrud had two comments. The wetlands line doesn't agree with the contours or the stream lineup, and it appears buffer would be more impactful on the lot. There will be no LOI. Mr. Kastrud asked about a dotted line on the plan that is not labeled. Mr. Page will investigate and likely remove.

Mr. Page went over his letter addressing the issues from Mr. Chadwick and Mr. Kastrud.

Mr. Chadwick went over the Environmental Commission report dated April 19, 2016 that compliments the applicant for creating the conservation easement. Mr. Chadwick stated that the existing home on the property should be removed before they can file a deed. The process has not been started, but will soon. They have 180 days from the date of the publication of the resolution to perfect. The property is being leased currently. They may need to come for an extension.

Mr. DiBianca asked about the driveway. There will be two separate driveways. Mr. Pasi asked about the setback lines, and other houses across the street setbacks. Some are much closer. There was some discussion on side yard setbacks and houses not in compliance. The neighborhood is in transition.

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There was no further testimony and the board went into discussion. Seeing none, there was a motion made by Mr. Kaufmann, seconded by Mr. Toth to approve the application with conditions.

Roll Call

For:

Mayor Lazo, Mr. Kaufmann, Mr. Argiro, Mr. Toth, Mr. Pasi, Mr. DiBianca, Mr. Scuderi, and Mr. Villani.

Against:

None.

■ **SCHEDULE OF NEXT MEETING:**

Pending cases

PB 15-13 Walters Major Subdivision Northridge/Hillcrest—wetlands certification letter received awaiting soil logs and DEP letter

■ **ADJOURNMENT**

Meeting was adjourned at 9:45 p.m.