

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
March 13, 2017**

Approved

CALL TO ORDER Meeting was called to order at 7:30

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

Committeeman DiNardo

Mr. Toth

Mr. Lindner (excused)

Mr. Argiro

Mr. DiBianca

Mr. Pasi

Mr. Scuderi (excused)

Mr. Gallic (excused)

Mr. Villani

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

February 13, 2017

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

Roll Call

For: Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, and Mr. Villani.

Against: None.

■ **MEMORIALIZE RESOLUTION:**

Memorialization of Resolution PB 15-06F, 88 Round Top, LLC for Final Major Subdivision Approval, approved December 19, 2016.

Motion was made by Mr. Toth, seconded by Mr. Villani to memorialize.

Roll Call

For: Mr. Argiro, Mr. Toth, Mr. Pasi, and Mr. Villani.

Against: None.

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Memorialization of Planning Board recommendation to the Township Committee to designate Block 78, lot 12, Township of Warren, County of Somerset, NJ In Need of Redevelopment. The Planning Board conducted a public hearing in accordance with Law on February 13, 2017 for purposes of hearing and deciding upon a designation of Block 78 Lot 12. As a result, the Planning Board, by unanimous roll call vote recommended the Township Committee designate the above named property as In Need of Redevelopment.

Roll Call

Motion was made by Mr. Toth, seconded by Mr. DiBianca.

For: Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, and Mr. Villani.
Against: None.

Memorialization of Planning Board resolution for Richard Kaufmann and his service to the Planning Board.

Roll Call

Motion was made by Mr. Toth, seconded by Mr. Argiro

For: Mayor Garafola, Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Pasi, and Mr. Villani.

Against: None.

Memorialization of resolution Case PB 17-01, Paladuga and Vummam, Block 34, lots 36.01 and 36.02, 38 and 40 Blazier Road Minor Subdivision.

Mr. Villani went over the fact that the neighbors of the property questioned whether or not the case should have been noticed. Mr. Villani feels the concerns should be addressed. Mr. Steve Warner, the lawyer for the Township during this hearing, went over the reconsideration and the lawyer, Mr. Jay Bohn was present for the application of reconsideration. Mr. Eric Aerts is the neighbor who requests that notice should be provided for variance relief. Mr. Warner had a memo he had prepared and his advice is that it would be prudent to grant the reconsideration and require the applicant provide notice for a hearing before the Planning Board. This property has pre-existing bulk variance but not a use variance. Mr. Warner went over the situation and a need for C or bulk variance not a D2 and does not require the Zoning Board to hear. Mr. Warner reviewed his memo with the board and concludes they should take a conservative view and require C variance bulk relief and notice. Then see if the applicant satisfies the requisite relief.

Mr. Jay Bohn from Schiller and Pittenger came forward representing Eric Aerts and requested that the board reconsider its prior approval of the application and schedule a new public hearing be held on notice. He cited Section 68 of the land use law, and "the lot", and if subdivided it would not be "the lot".

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Mr. Joel Cohen came forward for the applicants and stated they had proceeded with the understanding that it was not needed to notice for the application. He agreed to notice.

A motion was made for reconsideration by Mr. Toth , Committee DiNardo seconded

Roll Call

For: Committeeman DiNardo, Mr. Argiro, Mr. Toth, Mr. DiBianca, and Mr. Villani.

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
None

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

No one came forward so 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

Mr. Jay Bohn from Schiller & Pittenger came forward for the applicant, Joseph Appezzato Building Contractor Inc. He explained the case, a Preliminary Major Subdivision, Block 110, lot 14 with a street address of 124 Reinman Road in a R-20V zone. The total tract is 109,594SF. The proposal is to divide into two lots with one 20,000SF (off Reinman) and the balance at 87,034 SF (off Whippany Court). The larger lot has wetlands and this is all the development that can be done.

The Planning attorney, Mr. Alan Siegel swore in Mr. Robert Gazzale (engineer for the applicant), Mr. John Chadwick (Township Planner), and Mr. Christian Kastrud (Township Engineer) for the case.

Mr. Gazzale was accepted by the board and Mr. Gazzale went over the plans, consisting of 5 sheets with a date of September 9, 2016.

The zone is R-20V and the property is rectangular in shape. He went over the dimensions and location. The wetlands have been mapped and accepted by NJDEP as accurate, and they have permits from NJDEP. There are public utilities, water and sewer.

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The applicant proposes a driveway connection to the existing culdesac on Whippany. Improvements include a 90 foot extension to the sanitary sewer, a driveway access, and water service. They have a permit for the disturbance for the wetlands transition area, and have increased the buffer accordingly in other areas of the property. The lot slopes generally from Reinman to the south. The existing grading will remain the same. Drywells would be provided to collect runoff for the lot on Reinman, the lot on Whippany is close to the wetlands and they propose the roof runoff is directed to the wetlands. Swales would be created on either side to collect the runoff from house and driveway to the wetland area. There is one variance for proposed lot 14.02 and it is lot frontage. Minimum required is 66.67FT and the existing terminus of Whippany is 51.41 Feet.

Mr. DiBianca asked about the topography and its slope into lot 8 and that the Community Rescue Squad (actually Fire Dept) is in the area and also a brook. Mr. DiBianca asked what the effect will be. Roof runoff will be helpful to the wetlands, lot 8 lot line is about 450 FT from the proposed house and they will put conservation easements around the transition area.

Mr. Toth asked about the angle of the proposed driveway going into the culdesac and the plan doesn't show the driveways from lots 16 or 15, are they close? Will the new driveway interfere with existing driveways nearby. Mr. Gazzale said no.

Mayor Garafola was concerned that the 66 foot requirement for road frontage and that giving relief here might give others possibilities of the same. Mr. Chadwick questioned if any of the adjoining property owners had been contacted to see if they could cure that problem. Mr. Bohn said there had been no attempt to acquire additional land along the culdesac. There was discussion on whether they could increase the right of way in the way of a culdesac onto the Appezzato property and create a conforming condition, along with DEP approval, and proving they could get approval.

Committeeman DiNardo asked what testimony is being provided that this plan is a better plan than trying to make it a conforming plan. There was further discussion on a conforming plan or this plan.

Mr. Kastrud feels that the applicant is not planning to pave but extending the right of way into the proposed lot 14.02 and it would use part of the lot and create a bubble on the end of the culdesac. Mr. Kastrud does not recommend it.

Mr. Chadwick states that the proposed subdivision creates the variance. There has to be reasons to grant the variance. Proposing to gain more property from neighbors would help. Mr. Chadwick feels the applicant would have to demonstrate that they could get the permits to extend the right of way from DEP. Mr. Chadwick states if they show the extension of the culdesac you are going to extend the pavement. The township would have to waive the improvement of the culdesac extension. And the applicant has to give reasons for that. Either extend right of way or approach adjoining property owners to see if can cure the lack of frontage. If adjoining neighbors don't offer property to buy, then the applicant can bring the plan back to show that they can comply but need a waiver for pavement. Or they can get an opinion from DEP that they could put the pavement out there and they could still waive it.

They need to show the other driveways. Mr. Bohn asked about how deep the property would need to be along the culdesac (if buy from neighbors). A narrow strip would not be a good design.

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Mr. Chadwick restated the application needs a variance, they need to address that, they don't have a planner.

Mayor Garafola spoke about earlier years on the Planning Board and if they didn't have the road frontage it was not acceptable and why should they change their standard.

There was further discussion on the culdesac and changing the right of way and showing a full culdesac on the lot, and not being able to get a permit with the wetlands.

It was suggested to go onto other aspects of the subdivision. Mr. Bohn also went over asking for surplus frontage from neighbors as they would not be able to sell if they did not comply with zoning. They will explore.

Mr. Chadwick went to his report of February 10, 2017. The applicant has the DEP permits. The wetlands plan and subdivision include the wetland constrained areas in conservation easements.

Mayor Garafola asked about page 2 and the trees that are shown --only the ones with an X through them will be removed. She asked what will be required to be replaced with. Mr. Chadwick stated the ordinance has the posture that there is a right to develop a property and you get a footprint for the house. If they go beyond what is necessary to build a house, then it triggers a replacement plan. There was a discussion on the utilities coming in and where they are not coming in the trees should not be removed. Mr. Gazzale went over sheet 2 and the trees X'd out are in the way of the house or the utilities or the swales that are proposed. The utilities will come in from the bulb. There will be water directed from the back of the house to the swale and some trees are in that area. Mr. Chadwick asked if the swale will run across the driveway and it will. They will address this later.

Mr. Villani reported there were no concerns from the fire department or the police department.

Mr. Kastrud went over his report. It is a major subdivision and will be a filed map. The plans say Preliminary and Final but it is only a Preliminary. They will review the wetlands map. Conservation easements are shown, but the conservation easement stops at the northerly side in lot 14.02 at the wetlands and doesn't extend to the buffers. It should go to the buffer line. Mr. Gazzale typically stops at the wetland lines because you are able to get permits to modify the transition area but if it is inside a conservation easement there is no option to get a wetland permit to modify the transition area.

Mr. Chadwick said then they will ask for a waiver because the ordinance has conservation easements to include wetlands and associated transition areas. They will address that at the next meeting.

The sewer for the lot on Reinman will come from Reinman Road. There was further discussion on depth of the sewer line. Mayor Garafola asked about the topography of the adjoining lots. Mr. Gazzale said they will keep the runoff on the subdivision lots and spread to the wetlands. Mr. Kastrud suggested an inspection along that property line.

Mr. Kastrud mentioned the construction will be close to the wetlands and the lines should be staked and an orange construction kept during the construction period.

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The lot is proposed as a minor development with respect to stormwater which means there is fewer than 10,890SF being added to the plan and also then one acre of disturbance.

They are below both but at times developers or people come in for pools or courts making it less than the threshold, and then it would be a major stormwater- needing more requirements. There should be a way to track that the subdivision was approved as a minor stormwater plan, maybe a deed restriction to inform buyers.

Mr. Villani asked if anyone in the public would like to come forward. Mr. John Miller came forward from 13 Whippany Avenue and was sworn in. Mr. Miller bought his home from Mr. Appezzato and has no opposition to the development in general. He talked about variance and the culdesac and his view is currently being the wetlands. Now there will be two houses and he did speak with Mr. Bohn that day and they discussed the privacy issue. He thanked the Planning Board to the details discussed. Mr. Miller did speak about the drainage issue directly behind their property; the Costa's who are out of town, may be interested in this application. This neighbor did put in truckloads of fill and it caused a drainage issue. Mr. Miller did report it to Zoning. There is a lot of grade from Reinman to Whippany and there is a need for proper drainage and swales. Mr. Bohn asked Mr. Miller if he and Mr. Bohn had discussed how to accommodate the privacy. Once the houses are up a row of evergreen trees along the property line would help.

Ms. Linda DiMarsi came forward from 126 Reinman Road and was sworn in. Ms. DiMarsi looked at the plan earlier in the day (actually looked at a survey of current conditions). She saw a decorative well. She was concerned that an accident could happen. The well will be removed with the subdivision. She spoke about times when they tried to perc the property and it never did perc. There was a sewer moratorium but now there is not. This application has not gone before the sewerage authority yet.

Mr. Chadwick stated the Planning Board approval would be conditioned on approval of Sewerage Authority. Mayor Carolann asked about the Sewer approval and this might be a waste of time. Mr. Chadwick stated the Sewerage Authority sent a letter to every property owner in Stage 1 and 2 as to the availability of sewer. They have the right to make the application to the Planning Board without approval of Health and Sewer, but they are conditions that must be met before plans are signed.

Ms. DiMarsi said the driveway will be by her house on Reinman Road. She has concerns because the traffic and speed and a curve at the top of Tina Lane and the driveway will be there. She said there were accidents when the house was there. Will there be signs about a Hidden Driveway. She is also concerned about turning left into the driveway also because it is almost a blind spot.

Mr. Villani asked Ms. Vautin, the board secretary, to request further investigation from the police department. Ms. DiMarsi asked where the swales will be and how close to her property will it be. Mr. Gazzale said at least five feet off the property line. Mr. Gazzale explained that the swale will carry it back further than it is now away from her home.

Mr. Villani asked if anyone had anything further for discussion then. Mr. Villani announced the case will carry to April 24, 2017 at 7:30 p.m. with no further notice.

Redevelopment Area Public Hearing

Block 71, lot 37.01, 87 Mount Bethel Road public hearing to investigate if property is in need of redevelopment

Mr. DiNardo recused himself from this portion of the meeting Mr. Chadwick stated this has been properly advertised and it is another investigation as to whether to deem the property In Need of Redevelopment or not. It is down the hill from DiNardo's gas station. The property has been inactive since 2006. There has been two applications for office buildings (that did not start construction) and there is some infrastructure for an office building.

Mr. Chadwick went over the criteria that the property meets to qualify for In Need of Redevelopment. Criteria A is that the property is simply fallow and unproductive. Criteria D is similar but worded differently. And H is the smart growth provision that the town contemplates what can be done in a better situation for the municipality. Mr. Chadwick recommends that the property is In Need of Redevelopment. There were no public present.

Mr. DiBianca feels the town is rushing on the redevelopment issues. Mr. Chadwick disagreed. Mr. DiBianca asked what benefit this property gives to the community if deemed in need. Mr. Chadwick stated that it may give options in the resolve of its affordable housing plan. It is yet to be determined if the properties Deemed in Need of Redevelopment will be used for affordable housing as they had not determined what the obligation will be. Mr. Chadwick said that once the number is set, then there will be a rush to meet obligations and options to meet them. Mr. DiBianca feels the lot is small. Mr. DiBianca asked why the owner wouldn't develop it themselves. Mr. Chadwick said the redevelopment designation doesn't change the zoning. It gives the town some options. Once a plan is adopted by the Township Committee and Planning Board then you know what can happen. The plan could adopt a plan that was exactly what the approval was for, but then the town has options in terms of how its finances are organized.

Mayor Garafola stated it is another eye sore corner. The site will be discussed further if deemed In Need. It is a low ratable now. Taxes are not going down. Mayor Garafola feels they are in a horse race on how to meet the number of affordable units and they must move forward with options. Mr. DiBianca feels this property would not gain a lot of units. There was discussion on earlier affordable housing proposals, Woodland Acres, over by Liberty Corner near Greenwood Acres, etc. Warren does not want Builders Remedies to be necessary.

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Mayor Garafola made the motion to deem the property In Need of Redevelopment, seconded by Mr. Villani.

Roll Call

For: Mayor Garafola, Mr. Argiro, Mr. Toth, and Mr. Villani

Against: Mr. DiBianca

Abstain: Mr. Pasi

Recused Committeeman DiNardo

■ **SCHEDULE OF NEXT MEETING:**

March 27, 2017

ADJOURNMENT

Motion was made by Mr. Toth to Adjourn. All in favor. Meeting adjourned at 8:50