

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
November 13, 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	Mr. DiBianca
Committeeman DiNardo	Mr. Pasi
Mr. Toth	Mr. Scuderi
Mr. Lindner	Mr. Esposito
Mr. Argiro	Mr. Gallic
	Mr. Villani

- **Announcements:**
None

- **APPROVAL OF MINUTES:**

October 23, 2017

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

Roll Call

For: Committeeman DiNardo, Mr. Lindner, Mr. Argiro Mr. Pasi, 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)

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

■ **AGENDA Items:**

CASE No. 1

PB 17-01 Paladugu Minor Subdivision block 34 lots 36.01 and 36.02

Mr. Joel Cohen, the attorney for the applicant, came forward There would be two witnesses. Mr. Siegel swore in Mr. John Madden, Jr. Professional Planner, and Mr. Kurt Hoffman, engineer for the applicant, as well as Mr. John T. Chadwick, IV, PP, the Township Planner, and Mr. Christian Kastrud, the Township Engineer.

Mr. Cohen stated the application has been continued and it is a single family conforming lot subdivision application that was previously approved by the Planning Board. They came back due to issues raised about non conforming setbacks that created variance issues. There have been numerous evenings with testimony both for the applicant and in opposition. The board had requested that the applicant conduct some soil log testing because of concern on how to handle storm water. The applicant did some soil log testings and have been submitted to the township engineer. The engineer has discussed the results. There are methods to design with the current situation of the lot to fully deal with storm water runoff that exists now in an unmanaged situation and will exist if a development of a house is done. They don't know if the applicant will build a house or sell the property. There has been discussion with neighbors about buying it to preserve the character of their neighborhood. The applicants have also talked about selling the lot to a conservation organization. There is no guarantee this will end up with a structure on the property, but a lot needs to be created. A conforming lot in accordance with Warren Township's ordinances.

Mr. Madden will reply to the opposition expert from the last hearing and Mr. Hoffman will discuss the results of the soil logs and what could be done if necessary if development is completed on the property.

Mr. Villani discussed from the last meeting and whether or not the board will want to see a stormwater plan. Mr. Villani got an opinion from Mr. Siegel, whether or not the board can demand to see a plan.

Mr. Siegel talked about the opinion letters from Mr. Jay Bohn, and Mr. Joel Cohen. Mr. Siegel reviewed them and the ordinances and court cases. He did not find something specifically similar but there was some that apply. Mr. Siegel's opinion referred to MLU Act does say in Section 40:55D-38 that an ordinance requiring approval by the planning board of either subdivisions or site plans or both shall include the following. Provisions ensuring adequate water supply and drainage. So municipal ordinances have to have provisions dealing

with that subject. Warren Township ordinance section 15-1.2 says the purpose of this chapter shall be to provide procedures, rules, and regulations and standards to guide land subdivision and site plan development in the township in order to promote the public health, safety, convenience to general welfare. Specifically it says it is the intent and purpose of this chapter to and in subsection k. says encourage the control of surface water runoff, encourage the control of soil erosion, and sedimentation, and to prevent flooding and other damage to land.

There is another ordinance that applies, it is the Stormwater Management ordinance, Section 15-10e. It addresses stormwater management in the township and it states in 15-10d.3c, all applications subject to the review of the planning board, or board of adjustment, shall be reviewed by the those boards concurrently with development plan review. Mr. Siegel takes that to mean that when the board reviews a development, we have to look at the stormwater management design standards and review both the usual planning issues and the storm water management issues concurrently. Mr. Siegel felt that this leads to agreement with Mr. Bohn's opinion. Mr. Bohn cited a case from 2001, WLGoodfellows and Company of Turnersville vs. Washington Township planning board. It is an appellate division opinion. While it deals with a site plan application, Mr. Siegel felt the rules are the same. The case states that "a planning board may deny a site plan application if it lacks sufficient specificity or if an applicant has failed to provide pertinent information sufficient to assess the adequacy of a stormwater management plan, because drainage and sewerage may have a pervasive impact on the public health and welfare we have recognized that the feasibility of specific proposals or solutions must be resolved before preliminary approval is given. Mr. Siegel feels the board has the right to ask for specificity, and if it is not forthcoming the board would have the authority to turn down the application on that basis. . . .

■ **RESOLUTIONS:**

PB17-06
Preliminary and Final Major Site Plan with variance
Block 2 lot 2.03
30 Independence Blvd. parking expansion

■ **SCHEDULE OF NEXT MEETING:**

November 27, 2017

Old Church Road, Final Major Subdivision Phase I

December 11, 2017

7 Brookside Minor Subdivision

■ **ADJOURNMENT**