

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
September 11, 2017  
APPROVED**

**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:**

August 28 2017

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

Roll Call:

For: Mayor Garafola, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Pasi, Mr. Scuderi, and Mr. Gallic.

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**

No reports

**CITIZEN'S HEARING:** (Non-Agenda Items Only) Mr. Villani opened this portion and seeing no one come forward closed this portion.

■ **AGENDA Items:**

**Courtesy Review – Somerset County, 40 Reinman Road, Block 86.01, Lot 3**

Pole Barn Construction-- Mr. Chadwick went over the plans for the Pole Barn at 40 Reinman Road. The plan is in conformance with Warren Township ordinances. A motion was made by Mr. Gallic and seconded by Mayor Garafola that they have reviewed the plans and approve them.

Roll Call

For: Mayor Garafola, Committeeman DiNardo, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. Dibianca, Mr. Pasi, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani.

Against: None.

**PB17-01 Paladugu/Glass**

**Block 34 Lot 36.01 & 36.02/38 & 40 – 38 & 40 Blazier Road  
Minor Subdivision**

Mr. Chadwick clarified that there is a variance for the lot width measured at the setback line, approximately a half a foot, and it is an existing condition. Mr. Villani stated the applicant had presented their case at the earlier hearing.

Mr. Villani asked if anyone wanted to come forward from the public. Mr. Jeff Foose came forward from 6 Forest View Drive in Martinsville. He was sworn in. He lives across the street from the proposed property subdivision. Mr. Foose stated they had a hard time reconciling how large the dwelling would be. They keep seeing 2500SF. Is it 2500 or 5500SF? Mr. Cohen, the applicant's attorney, said that whoever develops the property will have to submit plans and it is not known what size the house will be. Mr. Foose felt it is contradicting with the 2500 SF and 5500 SF and the 99 trees, or will there be more trees?

Mr. Cohen said the area of disturbance is set by the plans. It allows for buffer against the street along Forest View. Mr. Foose said they should remember 113 tons of water, and feels the applicant should supply drywell and pit drainage information, perc tests, soil tests, and storm water runoff calculations.

Mr. Foose feels they should manage the negative criteria and disclose the risk to Jennifer Lane. Mr. Foose investigated Bridgewater Planning records on his own property across the street. He went on to compare the data and said the four lots across the street had to build an 8 acre retention basin. Exhibit O-1 was brought in, it is an Engineer Report from 1989 from Donald Stires.

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Mr. Cohen objected to the report by Mr. Stires as he can't be cross examined. It is a very detailed engineering report. Mr. Foose is not an expert but said it was used for the Bridgewater properties.

Mr. Foose went back to the 113 tons and that it is the weight of one inch of water per acre. In August there was six inches of rain. It is good they live so close to the Dock Watch Hollow and that it is a piece of rock. He brought in O-2, a picture of Dock Watch Hollow that he took. It shows the rock and the tower 600 ft. above the property. Mr. Foose continued and feels the runoff is a risk, more so with tree removal and blasting. Erosion and runoff are negative criteria under the MLUL. He feels the applicant needs four acres of basin to catch the runoff from their two acres.

Mr. Foose grew up in Warren and is on the County Open Space and on the local Board of Adjustment. He works hard to balance development with impact. The neighbors tried twice to purchase the property to be subdivided and offered to pay approximately \$300, 000 to \$350,000. He feels the negative criteria outweigh the positive criteria. He feels the positive criteria is only the money the applicant will make on the property. He said the neighbors who tried to buy the property would not have developed it.

Mr. Jimmy Hwang came forward from 6 Jennifer Lane in Warren and was sworn in. He moved to Warren in 2004. They choose their property because it is quiet with trees. They have had problems with rain water. They dug an irrigation trench around the property down to the street. After Storm Sandy they lost at least 26 trees around their property and there was a bit of a mudslide between 6 and 8 Jennifer Lane.

Any time there is a quick defrost or heavy rain they had water into the basement. It was a finished basement. They dug another irrigation trench leading away from the house. It helped for a while, but on January 24, 2017, a large amount of rain came in. He brought in pictures as evidence, O-3, Group of Hwang pictures. There are five pictures, A-carpet saturated in basement, B-carpet out and water on cement, C—water seeping in the walls, D—March 31 another large rain and water came in through the cinderblock by the crawl space on the side of the house, E—Back yard showing mud slide in March.

They had French drains dug out around the basement and it has been okay but he is concerned with so many trees proposed to be removed there will be too much water and it will come into the house.

Mr. Stuart Smart came forward from 8 Forest View Drive, Bridgewater, NJ and was sworn in. He brought in an Exhibit O-4 three photos. The first picture is from a drone, picture A, looking east of the property, you can see the Arvidale Road tower. Mr. Smart pointed out the Micheller property, open space, and the

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quarry, open space. It is a mature forest, with trees 60 to 70 feet. It is one of the highest locations in Warren at 580 Ft. Picture B is the Forest View cul-de-sac looking into the property with a focus on the center of the 99 trees. Picture C is from the cul-de-sac looking down at the property, there are resident birds that are on the property, owls, screeching owls, great horned owls, he also heard a barred owl. He feels they will no longer live there if you take the trees down. He also showed a document submitted on July 10 to the Planning Board, Minor Subdivision for the property, revision dated May 16, 2017. He discussed the tree screening that was discussed at the last meeting, it was planted by the applicant in a utility easement so they could be removed. The site easement has also not been maintained Mr. Smart stated. He also had concerns with the 2500 SF or 5000 SF home and the blasting. Mr. Gallic asked if he had expertise in birding. Mr. Smart said it is a passion.

Mr. Leon Aryian from 4 Forest View Drive came forward and was sworn in and wanted the board to know that he had made an offer for the property about six weeks ago and offered between \$300,000 and \$350,000. He did not receive a counter offer. Mr. Villani asked what Mr. Aryian's intention was for the property. He was going to hold onto the property. He possibly would donate it.

Mr. Alan Davison from 18 Jennifer Lane came forward and was sworn in. He said he has lived in Warren for 44 years and has seen changes and has liked the changes, and feels it has good governance. He applies the rule of reason, is there a balance, does it make sense. He feels this doesn't make sense and is not reasonable. There is an issue of water runoff. There was no perc test and feels it would be reasonable, along with other information on runoff and grade, blasting and property lines.

Mr. Phil Engle from 15 Jennifer Lane came forward and was sworn in. He had two pictures, Exhibit O-5, A and B. He is at the lowest end of the street. All things drain to his house. He has concerns, Picture A was around 10 Jennifer Lane, there is erosion coming down the hill, with rocks and debris into the street, and then into his driveway. During the fall there are more leaves and in the winter there is ice across from his house. This could be a safety issue with kids going to the bus.

Michael Mullaney from 16 Dock Watch Hollow Road came forward and was sworn in and he lives across the quarry from the property. He agrees with Mr. Foose and has concerns with runoff and the question of the size of the home.

Mr. Subhash Adusumilli from 31 Round Top Road came forward and was sworn in. He has lived in Warren for seven years and built his dream home. He loves the town and schools. He was general contractor when building his home and had issues of water runoff and unhappy neighbors. He replanted all the trees and still had water runoff. He talked about recent storms and runoff, and how difficult it is to control. His niece is building a home on Blazier road and he doesn't see any issues.

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Mr. Raju Dantuluri from 9 Tamarack Ct. came forward and was sworn in. He has lived in Warren from 21 years and his children went to school here. He has convinced many of his relatives to move to Warren. He talked about the bird habitat. There are many peaks with gorgeous houses in Warren. He finds it difficult to believe that one additional house will change an entire ecological balance. He supports the application and believes the board will consider the merits of the case.

Mr. Michael Kirsh from 25 Danberry Lane, Bridgewater came forward and was sworn in. He has experience with land use in New Jersey, he was on the township committee, and was the deputy mayor, and served on the Board of Adjustment in two communities, including Bridgewater. He was not representing the Board of Adjustment. He does not support the application and feels the applicant needs to supply further information. Mayor Garafola mentioned when Scheurmann Drive was built that Warren got so much water, especially Dogwood Lane, some lost wells, and some had to hook up to sewer.

Mr. Greg Adams from 1 Christy Lane came forward and was sworn in. He felt there are legitimate concerns but that's what engineers and planning boards do. He felt it would increase the neighborhood values.

Mr. Vearun Adusumilli from 2 Geiger came forward and was sworn in. He has lived in Warren for 20 years, is happy here, and appreciates the township government. He sees a lot of development and some trees need to be cut for development and they can replant trees on the lot and other places in town to mitigate water runoff. The applicant is also placing a conservation easement on a portion of the property to protect the remaining trees from further removal. He supported the application.

Ms. Deborah Smith from 10 Jennifer Lane came forward and was sworn in. She has lived in Warren for 50 years. The street ended at their home when they moved in. Jennifer Lane was not developed, the closest neighbor was 6 Jennifer and it felt distant. There are natural springs all over the mountain and the pictures with water coming down are natural springs and are worse since 12 Jennifer Lane was built. There was blasting for 12 Jennifer Lane and it impacted their house. It took out the side of her house, and took out 14 Jennifer, and took out her car, and three cars at 14 Jennifer, and blew out the windows across the street at 11 Jennifer, along with other properties being affected. She went a winter without siding. She said you feel the blasting, and she has damage in the basement from it. It was serious with problems and more springs will be affected. She also lost trees with Sandy and now they don't absorb that water. They all had to pay to pump the water out due to the springs.

Mr. Chalapathi Vunnam from 200 Dey St., Harrison, NJ and was sworn in. He stated he used to live in Warren but still spends a lot of time in Warren visiting relatives. He would move back to Warren. He is an engineer. He has heard that

this property is the peak, it is not really the peak, it is on Forest View Drive. He supports this application.

Mr. Prasad Adusumilli from 2B Geiger Lane came forward and was sworn in. He has been a resident of Warren for about 20 years. He raised his family here and his children went to school there, He worked for GSK. He has traveled a lot and thinks Warren is a good town. His family lives here also. He has seen growth, Morning Glory, Geiger Lane, Vinnakota property, etc. He feels they need development and balance with nature. He feels the town has been managed well with the development. He supports the application.

Ms. Laura Mandel came forward from 2 Hickory came forward and was sworn in. She is the chair of the Environmental Commission (EC) and at their January meeting they requested an EAR (Environmental Assessment Report) be submitted. Minutes from the last meeting were sent to the Planning Board for consideration. The Environmental commission did not receive an EAR. The EC recommended that the applicant use a thorough approach and use green infrastructure by using the Department of Environmental Protection and Rutgers Cooperative Green Infrastructure Manual and the Association for New Jersey Environmental Commission checklist. It has a lot of information on stormwater management. They recommend minimizing the disturbance of soil and vegetation and minimize lawn coverage with natural ground coverage. They recommend minimizing the construction process during bird migration.

Mayor Garafola asked about the EAR and Mr. Cohen stated they had submitted the tree count. The mayor feels the commission does a great job and the planning board should read the reports. There was discussion on whether new residents help or hinder rateables and costs.

Mr. Ram Adusumilli from 2 Stongehedge came forward and was sworn in. He has lived here for 20 years and his children went through the school system. He discussed some developments that are very nice. He supported the application.

Mr. Villani called for a five minute break at about 9 o'clock. The meeting was called back into order at 9:07.

Mr. Villani asked Mr. Jay Bohn, attorney, to come forward. Mr. Jay Bohn stated there would be two witnesses, Mr. Eric Aerts, a resident on Jennifer Lane, and Mr. John McDonough, a Planner. Mr. Eric Aerts from 4 Jennifer Lane and Mr. John McDonough were sworn in. Mr. Aerts has lived in Warren for about 13 years and his family has lived here for over 30 years. Mr. McDonough is a license professional planner and testifies in many towns in the area. Mr. Bohn went over the video that they brought into evidence, Exhibit O-6, and gave the clerk a USB drive with the video on it. Mr. Aerts took the video during May 2017 and accurately depicts what he saw. Mr. Aerts said the video shows rain in the back of his property as well as between 4 and 6 Jennifer Lane. These are down

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hill from the subject property. It was not raining that hard. The video showed water running down to Jennifer Lane and through Mr. Aerts yard. The yard has many rocks that come down the hill. He has had issues with water in the basement and has taken steps to mitigate that, like install French drains. A heavy rain does present water in his basement.

Mr. McDonough gave his planning analysis. This is a unique lot with the land mass in Warren Township but the frontage sharing with Bridgewater Township. The subdivision complies in all respect but for lot frontage and lot setback. There are some variance here, it is not a buy rite subdivision, and because of the variance, there is some exposure that subjects the applicant to the negative criteria. The C1 test, doesn't get advanced, unless it is the condition of the road that creates a hardship on the property. This same roads also creates the benefit to have frontage for a subdivision. There is a nonconforming structure and nonconforming lot area. The road itself is possibly a benefit.

Mr. McDonough talked about the Pullen ruling and a reverse Pullen and looking at the application as a whole, towards the C2 balancing test which is somewhat unique to New Jersey. IT is looking at the application as a whole and determining if the benefits substantially outweigh the detriments. With Pullen, and reverse the case, the runoff is exacerbated, the concerns, concerns with environmental sensitive on steep slopes, lack of a stormwater report, natural habitat, tree removal all bear into the negative criteria.

The counterbalance of the positive criteria--that the planning criteria of purpose G, provide for a variety of uses in appropriate locations. This is newer housing stock and variety; however, Mr. McDonough questions the appropriate location. The Master Plan from 2006 has a recommendation on page 4 for this area, for a lower density in that general area from the present R-65 to the 130/65.

Mr. McDonough also stressed that this property is on a municipal boundary. If the C1 or C2 is met in Warren Township, the Bridgewater ordinance requires the zone frontage requirement of 150 ft. This creates a nonconforming condition for Bridgewater. He feels Bridgewater should also review this application. The goal of lot frontage is to avoid creating a crowded effect on a street. If they do approve it he feels it should include the buffer landscaping along Forest View.

Mr. Villani went over a couple of items. Drainage is a concern for the Planning Board and the township professionals. Mr. Kastrud had suggested to the applicants that soil tests be completed and an actual design of the stormwater management for the property be done.

Mr. Villani said they were going to carry this case and request soil testing and a design to address the storm water requirements. Mr. Chadwick wanted further discussion on clearing limits. There was discussion at the previous meeting about revising the plan and showing one clearing for the driveway and utilities.

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This should be done and a recalculation of the tree removal which might require a replanting plan. Mr. Chadwick would like to see the conservation easement shown on the plans.

Mr. Cohen objected this requirement of provided additional documentation. The application is for a subdivision of a conforming lot. The reason it is here with a variance is for pre-existing nonconforming setbacks, one of which was created by the objecting neighbors in Bridgewater. The applicant has the right to put forth an application to create a new lot. It is not the board's decision as to what size the house is or what the drainage system will be. He felt it is highly unusual to ask an applicant to provide a drainage system for a house that may or may not be built. The neighbors have testified that they made an offer to buy the property to put it into conservation. Mr. Cohen's clients may sell the land to the conservation district at fair market value. It is an undue burden and outside the scope of the board. Mr. Cohen took a couple of minutes to consult with his client.

Mr. Villani asked to set up a tentative date to carry the application. Mr. Cohen stated they would not proceed with additional soil logs or design. This goes with the permit to build a house, if a house is built. It may be sold to a conservation district or a neighbor. He asked the board to permit final statements and asked the board to vote on the application.

Mr. Siegel, the board attorney, suggested that the applicant's attorney submit a memorandum to the board and check what the case law is for this situation.

Mr. Cohen felt the applicant can ask for a vote. It was unanimously approved earlier, now the opportunity has been granted to have 17 witnesses against and in support, they had experts on both sides. He does not believe there is any question that the applicant has the right to do this.

Dan Gallic pointed out that the case had not been closed and he would be interested in what the case law is on similar cases and would like to carry the application. Mr. Gallic made a motion, Mayor Garafola seconded to carry the application to October 23, 2017 without further notice.

**Roll Call**

For: Mayor Garafola, Committeeman DiNardo, Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Pasi, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani.

Against: None.

Motion was made by Mr. Gallic, seconded by Mr. Lindner. All in favor. Meeting was adjourned at 9:30.

■ **SCHEDULE OF NEXT MEETING:**

September 25, 2017