

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
November 27, 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 (excused)	Mr. DiBianca
Committeeman DiNardo (excused)	Mr. Pasi
Mr. Toth	Mr. Scuderi (excused)
Mr. Lindner	Mr. Esposito (excused)
Mr. Argiro	Mr. Gallic (excused)
	Mr. Villani

- **Announcements:**
None

- **APPROVAL OF MINUTES:**

November 13, 2017
Motion was made by Mr. Lindner, seconded by Mr. Argiro to approve the November 13, 2017 minutes.

Roll Call
For: Mr. Lindner, Mr. Argiro, Mr. Toth, 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

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

- **AGENDA Items:**

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CASE No. 1

PB 16-01A Old Church Road Associates LLC, Block 96 lot 20, Amended Preliminary Major Subdivision.

Ms. Guliet Hirsch came forward as the attorney for the applicant. She went over the public notice and proof of service. Mr. Kevin Page from Page-Mueller Engineering Consultants, and Mr. Christian Kastrud, Warren Township Engineer, and Mr. John T. Chadwick, IV, Warren Township Planner were all sworn in for the hearing by Mr. Alan Siegel, the Planning Board attorney. Mr. Kevin Page was accepted by the board.

Ms. Hirsch went over the application, an amended Preliminary Major Subdivision for 10 lots that was approved about a year earlier with resolution PB 16-01. The applicant was working on a Flood Hazard Area Permit. The decision determined that rather than a 50 ft. riparian buffer they will require 15 ft. buffer around the stream corridor. This caused the need for a revision to the subdivision plans.

The applicant has acquired lot 19.13 since the approval and this is the lot that the sewer line will go through. There is a sewer easement recorded on that lot.

Exhibit A-1 was brought and it is the Sewer Easement through lot 19.13. Exhibit A-2 was brought in and it is the Sewrage Authority approval from October 18, 2017, resolution 17-96. Exhibit A-3 is the DEP Flood Hazard Area Verification approval. Exhibit A-4 is the Somerset County approval for the application dated October 16, 2017.

Mr. Page came forward and explained the revisions. The ten lot subdivision is basically lot 20. It is from the Watchung municipal boundary north to Old Church Road. The wetland approval was updated and they have the permits. There are steep sections of the hill with rivulets. DEP determined the boundary would be 150 ft due to wildlife in the past. Mr. Page went over the plans and drawing C-1. The zone is 3 acre zoning but they can do 1.5 acre lot averaging. Ten lots could be created at 3 acres each but they prefer to average and it is shown on C-2 of the plans. The road goes north to south and the lots with steeper/environmentally restrained areas are larger. The zone chart shows the range from 1.5 acres to 6 and 12 acres.

There is a variance on this plan and it was not on the last plan. It is for lot frontage. Lot width is conforming at 200 ft. but the lot frontage is the length of the radius at the ROW line. The ordinance says it cannot be less than 2/3 of lot width. Lot 20.06 and 20.07 are less than that at 80 ft. at the street. It is a C2 variance. Exhibit A-5 was brought in, Qualifying Layout dated November 27, 2017. It shows the lots with the variance and the cul-de-sac would have to be extended to conform which would affect the building envelopes (more shallow). Mr. Page feels the variance is better.

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Mr. Villani asked if the board members had any questions. Mr. DiBianca asked about the depth from the cul-de-sac with the variance. It impacts the backyard, perhaps by half.

Mr. Chadwick went over his report. The extension of the cul-de-sac ROW is a wooded area. Another 1/2 acre to 3/4 acre would be cleared if they extend the cul-de-sac. This would affect the backyard and possible ability to get a pool or back yard amenities. Mr. Chadwick feels the houses will have good separation and does not suggest the extension of the cul-de-sac. The riparian requirement is by DEP. The Township has been told that the riparian requirements should be shown on recreation and open space inventory (ROSI). The town therefore should enforce the rules on those properties. The town has not included conservation areas in their ROSI.

With the regulations that DEP imposes through their permitting the town has no control over. There was discussion on managing conservation easement areas that coincide with riparian buffers. This may affect the deeds and easements differently from the past, even for properties with no public access. Mr. Chadwick suggested a condition to grant a waiver to the establishment of a conservation easement coinciding with the areas of riparian buffer. It would not be dedicated to the town as the town may not want to enforce their rules.

Mr. Chadwick spoke about the language for clearing limits. There are two boundaries shown, one for calculations for storm water runoff control as if they cleared the whole site. The other boundary that is also shown is the clearing limits and a revision was requested.

Mr. Page explained that often after the house is sold the homeowner wants to cut down trees. The clearing limits are on the plan in order to build the home and have an outdoor area also. The drainage calculations are taking into account if someone wants to put a pool in. The houses shown have a footprint of 3200SF box so might be up to 6400SF. The houses are not designed but the plan shows what is possible.

Mr. Chadwick said the builder must stay within the building limit/envelope when clearing. Then the homeowner must comply with the 1 tree for every 10,000SF per year with a permit.

Mr. DiBianca brought up the Environmental Commission Report. They request that the developer minimize the destruction of mature trees. Mr. Page's design has some buffer between the houses and behind. Mr. Toth believes granting the variance is a good idea with less disturbance.

Mr. Villani asked if anyone had further comments/questions.

Mr. Kastrud went over his report, with the fact the DEP is requiring the 150 ft buffer. Lot 19.13 is bought and they have granted an easement for sewer.

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There will be new language for what was previously conservation easements to preserve the land and keep it open. Mr. Kastrud said that often after the area is cleared there are sometimes scruffy trees left at times. It is better for a group of trees to be preserved. The limit lines were discussed. There will be a note on the plan that the ROW easement will be extinguished upon the extension and acceptance of the street by the Township Committee, and the pavement will be removed. The detention basin construction design will need permeability rates for the water quality. Drywells for 20.03, 20.04, and 20.05 will require soil testing before a large design to ensure they will function. Mr. Page said they did go out and do testing earlier, and the soil is not very good. Mr. Kastrud stated the stormwater will be reviewed at the time of construction permits.

The encroachment of the golf course will continue with an easement and the golf course was interested in keeping the runoff the same as they use it for ponds etc.

An operation and maintenance manual would be required and a homeowners association will be required to maintain the stormwater system. There was further discussion on storm water and the construction of a swale and routing the water around the homes. It is steep so riprap will need to be used.

Mr. Kastrud stated only one cul-de-sac had details. For the one without a detail, Mr. Page suggested an island in the middle for less disturbance. All emergency vehicles can get around the cul-de-sac stated Mr. Page.

There was discussion on homeowners association being responsible for the cul-de-sac. Mr. Chadwick and Mr. Kastrud feel maintenance of the cul-de-sac should be by the HOA.

Mr. Lindner brought up the Historic Sites conditions from the last approval within the resolution. They will be in this resolution also. The applicant accepted that.

Mr. Chadwick asked about the old resolution with no discussion concerning the golf course easement and that the township should not have responsibility of the easement.

Mr. Kastrud asked about the detail of the base course needs to be 5. Also, he asked about phasing of this for final. If phased they will need details on where the phasing is exactly. Mr. Chadwick feels it cannot be phased unless they come back for that with a new preliminary application or amended application.

Mr. Villani asked if anyone from the public would like to ask questions. Mr. Andrew Simon came forward from 2 Lauriel Court. Mr. Simon had asked for some of the documents from the attorney. He asked if there was any impact to his property. He asked to look at the property plans. Mr. Page went through the details while he reviewed the plan.

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Ms. June Kim from 15 Old Church came forward and asked when construction would start. Her house is the last one on the court now. Mr. Page thought it might start by June 2018. The roads may take 4 to 6 months. She asked about the existing cul-de-sac and about the change that will take off the bulb and lot 19.07 will gain the land.

Ms. Aida Gomes from 8 Wexford Court came forward and asked about the water and sewer. The initial approval included the sewer easement going through 19.13 with an easement. The builder puts in the utilities and then they are tested and then gives to the town. The lot with the easement went into foreclosure and the applicant bought the property and now owns the house and created the easement. Some of the neighbors did not want to sell an easement. Ms. Gomes asked if there would be an impact on her street and sewer capacity. Mr. Page stated no affect. The homes will have public water. She is concerned there may be water pressure issues. Mr. Page felt there would be no impact. Mr. Page guesstimates the houses may be 4500 to 5500 SF. There will be no other access to the homes.

Ms. Diana Dat from 10 Old Church road came forward and asked about three houses concerning drywells. Mr. Kastrud stated the lots will drain to drywells and then overflow into the riparian buffer. And there was discussion on the driveway on 19.08 to be extended to the roadway when the cul-de-sac is removed. Driveway extension is paid by the developer.

There were no further questions or comments from the public and that portion of the meeting was closed. The board had no further comments and a motion was called for.

Mr. Toth made a motion to approve the application, seconded by Mr. Argiro subject to conditions.

Mr. Siegel went over the approval with a waiver granted to the applicant on conservation easements equal to the riparian buffer. Approval is subject to Items 6,7,8 and 11 on Mr. Kastrud's report of November 17, 2017. The HOA will maintain the curbed island on the northerly cul-de-sac. There will be further discussion with the applicant's attorney on the language for the restrictions on the land.

Roll Call

For:

Mr. Lindner, Mr. Argiro, Mr. toth, Mr. DiBianca, Mr. Pasi, and Mr. Villani

Against: None.

■ **REVIEW ORDINANCE 17-25 For Consistency with the Master Plan**

An ordinance adopting a redevelopment plan for an “Area in need of Redevelopment” known as Block 71, lot 37.01, 87 Mount Bethel Road.

Mr. Chadwick went over the ordinance and it follows the earlier designation of in need of redevelopment and it provides for a substantial number of affordable housing units as a percent of the project. The basic requirement for rental housing is a 15% set aside for affordable. The township is requiring a 33% set aside.

There was discussion on the designation of redevelopment and that it is rezoned with the ordinance. If something does not go forward with the development the underlying zoning stays in place. There was discussion about the adjoining property, the Warrentville Wreckers junk yard. The houses now surrounding the junk yard point out that the junk yard is not consistent with the surrounding area.

Mr. Chadwick spoke about the apartments on just over 2.5 acres across from Town Hall that have existing for many years of two story construction.

Mr. DiBianca asked how they can guarantee that the 12 units will be affordable. Mr. Chadwick stated it is the ordinance, then the developer will have to file declaration of covenants with the county that run with the land for 30 years. The declaration are administered by either a licensed affordable housing administrator or directly by the HMFA. It certifies that the household is income eligible and monitors that household.

Mr. DiBianca had thought the King George Inn property would have affordable units and it may not. Mr. Chadwick said it was not done with King George Inn but it is in this ordinance for this property.

The lot is less than 2 acres and will have 37 units with parking. Mr. DiBianca had concerns.

A motion was made that the ordinance is not inconsistent with the Master Plan by Mr. Toth, seconded by Mr. Argiro.

Roll Call

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

Against: Mr. DiBianca

Abstain: Mr. Pasi

■ **RESOLUTIONS:**

None.

■ **SCHEDULE OF NEXT MEETING:**

December 11, 2017

7 Brookside Minor Subdivision

January 8, 2017 Reorganization

■ **ADJOURNMENT**

A motion was made to adjourn by Mr. DiBianca, all in favor. Meeting adjourned at 9:00 p.m.