

**WARREN TOWNSHIP PLANNING BOARD
REORGANIZATION MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
JANUARY 8, 2018**

CALL TO ORDER (by Clerk)

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

- Announcement of New Members/Re-appointments to the Planning Board at the Township Committee Reorganization Meeting of January 4, 2017
 - Mayor Sordillo– Term expiration 12/31/18 – Class I
 - Committeeman DiNardo– Term expiration 12/31/18 – Class III
 - Pete Villani –Term expiration 12/31/21
 - John Lindner – Term expiration 12/31/18 – Class II
 - Louis Esposito – Term expiration 12/31/19 –Alternate 2

Reappointed members were sworn in by Alan Siegel.

ROLL CALL

Mayor Sordillo (excused)	Mr. Pasi (excused)
Committeeman DiNardo (excused)	Mr. Scuderi
Mr. Toth	Mr. Pasi
Mr. DiBianca	Mr. Gallic
Mr. Lindner	Mr. Villani
Mr. Argiro	

Statement by Presiding Officer: Adequate notice of this meeting was posted on January 21, 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.

Election of Chairperson for 2018

Nomination of Mr. Gallic by Mr. Villani, seconded by Mr. Toth

ROLL CALL

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani
Against: None.

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■ Nominations for Vice-Chairperson for 2018

Nomination of Mr. Villani by Mr. Gallic, seconded by Mr. Lindner

ROLL CALL

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

■ Nominations Board Secretary for 2018

Nomination of Jerry Toth by Mr. Gallic, seconded by Mr. Argiro

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

■ Nominations for Board Comptroller for 2018

Nomination of Dan Gallic by Mr. Lindner, seconded by Mr. Toth

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

■ Nomination for Escrow Certifier for 2017

Nomination of Mr. Gallic by Mr. Toth, seconded by Mr. Argiro

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

▪ Appointment of Planning Board Attorney 2018

Motion to nominate Mr. Alan Siegel by Mr. Gallic, seconded by Mr. Argiro

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

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- Appointment of Professional Planner for 2018

Nomination of Mr. John C. Chadwick, IV by Mr. Toth, seconded by Mr. Lidner

Roll Call

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

- Appointment of Professional Engineer for 2018

Nomination of Mr. Christian Kastrud by Mr. Toth, seconded by Mr. Villani.

Roll Call

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

- Appointment of Clerk for 2018

Nomination of Ms. Maryellen Vautin Mr. by DiBianca, seconded by Mr. Toth.

Roll Call

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

■ ADOPTION OF RESOLUTIONS:

PB1801A – Adoption of Resolution for appointment Planning Board Staff

PB1802A – 2018 Rules of Order – Resolution

PB1803A – 2018 Meeting Dates – Resolution

Vote to memorialize with one vote.

Motion made by Mr. Toth, seconded by Mr. Lindner.

Roll Call

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic

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PB 16-01A Old Church Road Associates, LLC, Amended Preliminary Major Subdivision Approval

Motion was made by Mr. Lindner, seconded by Mr. Argiro to memorialize the resolution.

Roll Call

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

■ **APPROVAL OF MINUTES:
December 11, 2017**

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

For: Mr. Lindner, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr. Scuderi, Mr. Esposito, Mr. Gallic, and Mr. Villani

Against: None.

Reports:

Alan Siegel, Esq.

John T. Chadwick, IV, P.P., Professional Planner

Christian Kastrud, P.E., Professional Engineer

Maryellen Vautin, Clerk-reappointed members to sign oath of office

■ **CORRESPONDENCE
NJPO newsletter**

■ **CITIZENS HEARING agenda items**

Case No. 1 PB 17-01 Paladugu/Glass 38/40 Blazier Road

Mr. Gallic asked Mr. Joel Cohen, the attorney for the applicant, to summarize where they were in the case. Mr. Cohen went over the minor subdivision for one new lot, fully conforming on Forest View. The two lots on Blazier would subdivide the rear of their lots. The application was approved, then the potential setback variance was brought up so the applicant agreed to notice for the application. There was a hearing with some opposition from some of the neighbors. There was concern with stormwater. The

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applicant was asked to prepare a stormwater plan and did. It has been reviewed by the Township Engineer, Chris Kastrud.

Mr. Gallic felt it does come down to the stormwater report. Mr. Kastrud suggests that Mr. Kurt Hoffman, the applicant's engineer, go through the plan. The plan was given out to some of the public to look at while Mr. Hoffman explained it. The plan is the proposed stormwater management plan for 38/40 Blazier dated 12/27/17. It is not a major development under the Township ordinances. It is a rain garden design to take the driveway and roof leader water. This is picked up and carried to the rain garden and held and goes out slowly. It does meet the requirements of the township. It goes above the requirement of the 2-year storm of 3.3 inches. A 10-year storm requires 5.01 inches, and 25-year storm is 6.15 inches. There is a stormwater maintenance plan and manual also submitted to the planning board. It is Exhibit A-3 (the plan). Mr. Lindner asked what the ten-year storm is. Mr. Hoffman said a two-year storm is 3.34 inches of runoff, A ten year storm is 5.01 inches, a 25-year storm is 6.15 inches. They meet the two-year storm and almost meet the 10-year storm, so it exceeds the requirements of the town. Every ten years the storm water system could be overwhelmed.

Mr. Kastrud went over his report from January 8, 2018 (dated incorrectly as January 8, 2017) He went over the raingarden and that it met the requirements. He recommended that a Stormwater Maintenance and Operation Manual be provided and approved by the Township engineer at the time of design, and that the manual include the requirement that the homeowner file an annual report detailing the maintenance activities and inspection findings with the township engineer, and that a notice be placed in the deed alerting any owners of the property that there is a stormwater facility on the property that will require maintenance by the homeowner.

The raingarden is behind the dwelling and allows for the northerly portion of the property to remain undisturbed and left as a buffer between the proposed home and existing dwellings on Jennifer Lane. He recommends that the berm have a clay core and that the spillway be relocated to an area of the basin that is in a cut situation. The final design will be submitted with the soil movement application before any construction is started.

Mr. Toth was concerned with water freezing and that they might have to go down further.

Mr. Chadwick brought up that the criteria is based on the clearing proposed. The disturbance proposed is just under one acre. All utilities are by driveway to preserve trees in the front yard. They could not go over one acre of disturbance, or they would have to meet major stormwater development requirements.

Mr. DiBianca asked if they could save some of the 99 trees. Mr. Kastrud suggested they could stake the areas that would be cut (the areas of disturbance). Warren Township Engineering could check if some trees could be saved before construction begins. It was agreed that a clearing limit check would occur before any construction was started.

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Mr. John Madden, Planner for the applicant, came forward. He spoke about the earlier testimony from Mr. John McDonough, the opponent's planner. Mr. McDonough said they were not entitled to a C1 due to pre-existing set back. His reason was that the construction of the public road provided a benefit to the applicant, and that it was not appropriate due the Master Plan density suggested next to Dock Watch Hollow. Mr. Madden stated the construction of Forest View Drive came many years after the Blazier Road houses. The road created the non-conformity and does not expand the non-conformity with the new lot being created. The access of the Forest View Drive is not much of a benefit if it is used to deny the subdivision. Mr. Madden continued with the Pullen test is not used for this case. Mr. Madden feels there is no detriment to the zoning. Mr. Madden suggests purpose G (of positive criteria proof) to promote the case with a lot that is larger than required and it will be a nice home for the community, consistent with the other homes on Forest View Drive.

Mr. Madden was done and Mr. Gallic closed this testimony and asked for comments from the board. There were none. Mr. Gallic opened comments and questions to the public.

Mr. Jeff Foose from Forest View Drive came up and he had concerns. He was sworn in earlier. Mr. Foose said he serves on the Land Use board in Bridgewater. There was no review in Bridgewater but a developer's agreement was done. Mr. Foose said there were no notices for any Bridgewater meeting concerning this property. He felt that if there had been notice for the Bridgewater consideration with the developer agreement they would have gone. He felt it was an error.

Mr. Foose brought up that a raingarden (according to DEP) is a depressed area that collects water from roof or driveway. He went over amended soils and Bioretention basins and brought in a Best Practices Manual, Bioretention, Exhibit O-6. Mr. Foose handed it out to the board. Mr. Foose asked Mr. Kurt Hoffman questions based on the handout. The soil will be amended. The manual is not required for consideration in design for this application. Mr. Foose stressed that it is Best Practices Manual and the residents on Jennifer Lane would benefit.

Mr. Gallic asked Mr. Foose about his background. He has a Master's Degree in computer science and he sits on the Board of Adjustment in Bridgewater, and is on the Open Space Council of Somerset County, and on the Land Use Energy Commission of Somerset County and has attended training for the board of adjustment.

Mr. Foose continued on the Best Practices. He also asked about the pit tests and he handed out the results of that test and it was brought in as Exhibit O-7. There was no further testing since October 2017. Mr. Foose mentioned the pre-existing runoff problems associated with the properties. Mr. Hoffman provided a design and it comes close to meeting the ten-year requirement, although the township does not require it to meet a ten-year storm. Mr. Foose said since 2010 there have been five 10-year storms according to the USGS, and he brought in the USGS document as Exhibit O-8.

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Mr. Foose continued to go over the design. It is 2.25 ft. depth by 25.70 ft. so approximately 50,000 cu ft. According to google there is 7.48 gallon per cu foot, making it more than 36,000 gallons in the system, bigger than a pool. The basin will be maintained by the homeowner.

Mr. Foose used autocad to show a slope map that he felt is better than what was submitted. He used the slope function. The document was brought in as Exhibit O-9. The document was a little blurry. Mr. Foose thought it was about 20% slope for anything in red.

Mr. Foose brought in the DOT basin failure report as Exhibit O-10 and many failures are sand based Bioretention and raingardens that fail.

Mr. Foose brought in Exhibit O-11, a photo of 8 Jennifer lane that Mr. Foose took on October 24, 2017 showing the catch basin in front of 8 Jennifer Lane and a lot of water along the road. Mr. Foose was done.

Mr. Gallic asked if Mr. Cohen would like to speak. Mr. Cohen asked Mr. Hoffman if Exhibit 8, the Bioretention Best Practices, apply to the application. They do not. Mr. Hoffman's plan complied with Warren Township rules and regulations. Mr. Hoffman said the exhibits did not apply to the application. The design takes into consideration in excess of what the township requires. Currently there is no stormwater systems on it now. With the design proposed the stormwater management will be improved even with the house constructed.

Mr. Foose felt it concentrates risk and the slopes are severe. The system works in a two-year storm but fails in a 10-year storm.

Mr. Gallic opened it back to the public and Mr. Jay Bohn, attorney with Schiller, Pittenger, & Galvin, PC, came forward for Mr. Eric Aerts. Mr. Bohn had a copy of Exhibit A-3, the stormwater design plan. Mr. Bohn asked Mr. Hoffman about the outlet and where it is located. It is in the basin to the westerly mid-point. It is a 12 x 12 precast catch basin. A note on the plan indicates the limits of disturbance as 40,233SF +/- . There will be a deed restriction to keep it at that number. The plan shows for impervious coverage at 6150SF. There would be a deed restriction limiting the impervious coverage.

Mr. Leon Ariyan from 4 Forest View Drive came forward and wanted to remind all that the owners were offered \$350,000 for the proposed lot. He wanted it on the record that there are issues existing and houses on Jennifer Lane will get flooded with a ten-year flood.

Mr. Stewart Smart came forward from 8 Forest View Drive and asked about Exhibit A-3 and tree disturbance. There are approximately 99 trees as was in the earlier plan, with slight modifications. Mr. Smart asked about the property line and proximity of the stockpile of soil and possibly hurting his trees. They agreed previously to a stake out of the area of disturbance and the stockpile will be moved away from the property line. Mr. Smart is worried about damaging the tree roots on his property.

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Mr. Hwang from 6 Jennifer Lane came forward and he asked about the overflow pipe. They will relocate the pipe and it should be on the higher/or easterly side. Mr. Hwang had submitted pictures at an earlier meeting. There was discussion on the weight of the water. He also asked about the blasting that will occur. Mr. Hoffman said with the 7 ft testing it showed that there should not be blasting.

Ms. Debbie Smith from 10 Jennifer Lane came forward and has lived there 50 years. They could not perc in the area then. Ms. Smith was sworn in by Mr. Siegel. Ms. Smith said it is solid rock. Many trees have come down and there is more water coming down. There are also natural springs local also and how is that taken into account. The ground doesn't absorb. She was concerned with the basin and mosquito issues. Mr. Hoffman said the basin is designed to drain slowly.

Mr. Gallic called for a five-minute break at 9:03. Mr. Gallic called the meeting back to order at 9:08.

Mr. Bohn came forward again and called Matthew Moench to testify. Mr. Moench came forward and was sworn in by Mr. Siegel. He is a member of the Township Council of Bridgewater. He did not speak for the whole Council. He was a member of the council when the subdivision developer's agreement came to the council and the information came with the package for the meeting. It was a routing business matter. There was no formal approval that he recalled on the subdivision. It was a road opening.

Mr. Stewart Smart came back from Forest View Drive and asked about Mr. Madden talking about Bridgewater approval. Bridgewater was asked to give approval to use the Bridgewater street to access the new lot on Warren property.

The sewer is on the Warren sewer and there is an application with the Sewerage Authority.

No further members of the public came forward. Mr. Cohen gave a summary. The application has been heard many times. It is an application for a conforming, single family lot. It is adjacent to the Bridgewater street. A stormwater design has been submitted which exceeds township requirements. There are two variances with side yard requirements on the Glass property, created by the creation of Forest View Drive, and also an issue with frontage on Blazier Road on the Paladugu property. No variances are required for the proposed lot.

Mr. Jay Bohn came up for a summation. He gave a closing argument and felt the board has given considerable consideration and he feels it is warranted. No notice was given initially. He asked to vacate the approval and reconsider at a noticed hearing. There was another hearing in August with testimony from Mr. Madden and Mr. Hoffman. There is a lack of detail on what will be built and he feels details are required. In September the public came forward with concerns for stormwater control. He asked about assurances for neighbors from stormwater. He continued with the history of the application. The board decided that they needed a stormwater management plan before

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they could make a decision. It is a raingarden detention basin. The design will fail for more than a two-year storm. Because there are variances involved the application must meet certain criteria. He went over the criteria for C1 and C2 variances. Mr. Bohn feels the road can't be a hardship if it makes the subdivision possible. He brought up the Kaufmann vs. Warren Township Planning Board case and no C2 variance shall be granted where merely the purpose of the owner will be advanced. It must benefit the community. He continued with Kaufmann. He feels they can't satisfy the criteria and asks to deny the application.

Mr. Cohen stated that the issues raised have been addressed. They believed there were no variances but it was decided there was and proper notice was completed. The size and quality of the home was addressed and will be harmonious with the neighborhood. The stormwater drainage issues were addressed. The flow of water will improve with the home and storm water design in place. Mr. Cohen brought up the Kaufmann case and the more harmonious lot size could be seen as the detriment substantially outweighing the detriment. This new lot would be harmonious with the neighborhood and would improve the neighborhood and water flow and he asked for approval.

Mr. Gallic asked if the board members had any questions. Mr. DiBianca asked Mr. Kastrud if this was approved would the water runoff get any worse. Mr. Kastrud said that it would control the runoff created by the impervious area. It would not get worse.

Mr. Lindner asked about who has the legal obligation if it does not get better or if it gets worse. Mr. Siegel said that the downhill property owner always has rights against someone who is casting water on their property. They would have to go to court and spend money.

Mr. Chadwick and Mr. Kastrud had no further comments.

Mr. Siegel went over any conditions if an approval was made. They would approve the two existing variances and conditioned upon Mr. Kastrud's memo of January 8, 2018, items 18-21, item 5, and item 7, and 8, and 14 a,b,c.. Less than 1 acre would be disturbed and it would be referred to in the deed, clearing limits to be staked and reviewed by the planner and engineer, will relocate top soil stockpile to the approval of the engineer, all utilities are relocated within the driveway, and limits of impervious to 10,890SF and it would be referred to in the deed.

Mr. Toth felt the variances do not have bearing on the case as they are pre-existing and the property owner is not at fault. Mr. Gallic asked about the water running downhill will have less impact with this change. Mr. Kastrud said the design will slow the release and it will be less than currently.

The home is shown at 6150 SF and 10,890 SF is the threshold for major stormwater designs. If the design exceeds this they would have to come back to the Planning Board, if the detention basin expansion is needed the board can decide they will be required to return to the board.

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There was further discussion of area of disturbance and impervious coverage. There was also discussion of increasing the size of the basin and possibly more trees taken, or larger berms, etc. Mr. Hofmann felt they could design a larger basin and keep within the 10,890 SF limit of disturbance.

Mr. Lindner agreed they should provide more detention. Mr. Gallic suggested that a detention basin design more comfortable for the board could be presented.

Mr. Cohen asked for time to speak with his clients. Mr. Cohen stated they will agree to a condition to revising the design to the 25-year flood for a 10,890 SF maximum and no increase in disturbance. Mr. Gallic felt it needed to be voted on and there was not enough time. Some members felt it should be carried to another meeting. Mr. Gallic carried it to January 22, 2018 at 7:30 p.m. without further notice.

SCHEDULE OF NEXT MEETING:

January 22, and February 12, 2018

■ **ADJOURNMENT**

Motion was made by Mr. Toth, seconded by Mr. Argiro. All in favor. Meeting adjourned at 10:05