

WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard
September 23, 2019
APPROVED

CALL TO ORDER

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

ROLL CALL

Mayor DiNardo
Committeeman Marion
Mr. Toth
Mr. Lindner (excused)
Mr. DiBianca
Mr. Argiro

Mr. Esposito
Mr. Scuderi
Mr. Pasi (excused)
Mr. Villani
Mr. Gallic

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 24, 2019 on the Township bulletin board and sent to the Township Clerk, Echoes Sentinel 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.*

■ **APPROVAL OF MINUTES:**
August 12, 2019

ROLL CALL

Motion was made by Mr. DiBianca, seconded y Mr. Argiro to approve the minutes
For: Committeeman Marion, Mr. Argiro, Mr. Toth, Mr. DiBianca, Mr.Esposito, 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

No reports.

■ **ADOPTION OF RESOLUTION:**

PB 19-09
23 Mountain Blvd Realty, LLC
B87.03, lot 3
Minor Site Plan (2nd floor bath)

WARREN TOWNSHIP
PLANNING BOARD MEETING MINUTES
September 23, 2019
PAGE 2

Motion was made by Mr. DiBianca, seconded by Mr. Esposito to adopt resolution.
For: Mayor DiNardo, Committeeman Marion, Mr. Argiro, Mr. Toth, Mr. DiBianca,
Mr. Esposito, and Mr. Villani.
Against: None.

■ **CORRESPONDENCE**

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■ **CITIZENS HEARING non-agenda items**

No one came forward and this portion of the meeting was closed.

■ **PUBLIC HEARING**

PB 19-08 84 Ann Street, LLC
Block 203/lots 9 and 10
Upper Warren Way
Subdivision --two lots into three lots

Mr. Fausto Simoes, Esq. came forward for the applicant. It is a subdivision two lots into three lots. One of the lots is slightly smaller than required. That is the variance needed.

The engineer for the applicant is Kevin Page from Page-Mueller Engineering and he was sworn in along with Mr. Christian Kastrud, the Township Engineer, and Mr. John T. Chadwick, IV, PP, the Township Planner. Mr. Page was accepted by the board.

Mr. Page went over the plans and the area surrounding it. It is near Route 78, and Route 78 is down about 18 feet from the surrounding area. Lot 10 of the application is totally wooded. The plans were prepared by Page-Mueller and are dated June 4, 2019, except sheet 3 has a revision dated August 20, 2019.

Lot 9 has an existing house and driveway on Upper Warren Way. The driveway encroaches onto lot 10. There is a proposed swap to adjust the lot line and it would square lot 9 up. Two lots would come out of the rest of lot 10. Proposed lot 10.01 complies with the township zoning. Lot 10.02 is 1.2 acres vs. 1.5 acres required. Mr. Page highlighted the plan to show the lot 10.02. Exhibit A-1 was brought in as the highlighted plan. He pointed out some lots nearby that are undersize. Lot 10.01 driveway would connect to the Upper Warren Way cul de sac. The sanitary easement would go from Upper Warren Way through lot 10.02 for lot 10.02.

**WARREN TOWNSHIP
PLANNING BOARD MEETING MINUTES
September 23, 2019
PAGE 3**

Mr. Gallic pointed out that many of the lots are 1.5 acres in the area, and some are larger. Mr. Gallic felt the proof needs to be on a density issue. There was further discussion.

Dry wells would be installed for stormwater, there will be wells for water. Mr. Page discussed when Route 78 went in and towns had to put in roads to connect properties to the town roadways. Mr. Page stated that the 1.2 lot and 1.5 lot will appear similar from the street. They will provide adequate light, and open space, and will have desirable visual elements.

A larger home could be put on these lots but Mr. Page feels they will not be near 6000SF.

Mr. Gallic went to the professional reports. Mr. Chadwick went over his August 26, 2019 memo concerning the Page-Mueller page 3 plan dated August 20, 2019, showing the relocated dwellings meeting the 200 foot setback requirement from Rt. 78. There is the one variance for the undersized lot but it does not rise to a density variance. The lots to the west of this property is smaller than the 1.2 acre lot. It is a transitional area.

Mayor DiNardo asked if they have looked at this with major stormwater requirements. Mayor DiNardo wants to ensure that Warren Township standards are adequate for the type of rain we have been getting. There are issues with water runoff to neighboring properties.

Mr. Page stated there can be higher standards. Soil tests are now required to ensure drywells will function. The highway tends to lower the water table around it. There is about a 30 foot drop from the front to the back of these lots. He proposed a conservation area/tree preservation easement surrounding the lots, and some control on the size of the homes.

Mayor DiNardo asked if drywells won't work where will the roof leader water go. Mr. Page proposed a pipe to underground detention and controlled outlet, If does not recharge there are some solutions.

There was further discussion on higher standard for stormwater and stopping water going on to neighboring properties.

Mr. Page likes tree preservation easements and that it stops owners from taking trees down for pools and expansions.

Mr. Kastrud went over his report. Number 3 of Mr. Kastrud's report discuss two limits on the plan for stormwater. One quarter acre of new impervious area, and one acre of disturbance. This application is just below this and feels tree preservation easement would help monitor the disturbance thresholds. He also suggests limiting the size of the homes and disturbance and believes it should be placed in a deed.

WARREN TOWNSHIP
PLANNING BOARD MEETING MINUTES
September 23, 2019
PAGE 4

Mayor DiNardo asked Mr. Kastrud what the standards are now for stormwater. The standards for a major development is the 2, 10, and 100 year storms. Under that, the township has minor development ordinance which requires detention on the lot and it is typically storing 3 inches of runoff from the roof area into a drywell. Mayor DiNardo suggests more stringent guidelines for minor development also. He has been to many properties where water has been an issue this year.

Mr. Kastrud suggested that the engineer for the applicant ensure (when building) that in no instance will they increase runoff for any of the storms (2, 10, 100). Mr. Gallic also suggested above ground detention.

Soil testing will be required for any underground detention. Items 5, 6, and 7 are informative on Warren Township procedures.

Mr. Siegel asked Mr. Page if he thought the variance was a C(1) or a C(2). Mr. Page did not have the history of the lots and proposed it is a C(2). Better planning to have one undersized lots near some other undersized lots.

Mr. Chadwick stated that it is what kind of controls balance the grant of an undersized lot and are those controls (lot clearing, additional stormwater management) yield a better solution than two 1.5 acre lots.

Mr. Gallic opened the hearing to the public. Mr. Robert Lang came forward from 8 Upper Warren Way, which is caddy corner from 5 Upper Warren Way. His lot is 2.25 acres and the lots next to him are over 2 acres. Mr. Lang's concern is that the zoning is eroding around him. Behind his house is Bellewood Estates with a large hill between he and Bellewood. Those lots were undersized. They expressed their concern about runoff at the hearing for the development. The density and removal of trees caused more water and it comes to the back of his house and down his driveway. Mr. Siegel swore Mr. Lang in to testify. He had a French drain installed but his house has been flooded several times. The water from his driveway joins water from Upper Warren Way and overwhelms the storm sewers. There will be more vegetation removed and more water.

He also brought up block 205 that have been zoned for a development of up to 30 units. He has concerns about the noise from Rt. 78 and that it will increase. There had been talk about sound barriers but nothing happened. He is also concerned about opening Majors Road, he was told it would not be open. Then he heard there may be an emergency entrance. He is also concerned about construction traffic and that the smaller roads can't handle the traffic.

Mr. Lang also asked what the legal justification is for the variance.

Mr. Siegel said a C(1) variance is based on the shape, size, the topography, something unique about the land that calls for a variance. A C(2) variance is saying what is being

**WARREN TOWNSHIP
PLANNING BOARD MEETING MINUTES
September 23, 2019
PAGE 5**

proposed by the applicant is a better approach to zoning and planning than what the ordinance requires.

Mr. Page said the lot is an unusual shape, but someone could come in and build. You could build a lot and cover a lot and be within the zoning. But they can do the subdivision and put restrictions on the development. They offer tree preservation and restriction on the size of the homes.

Mr. DiBianca asked if Mr. Page could estimate the size of the tree preservation. Mr. Page started to discuss. Mr. Chadwick thought this was very important and it should be on a plan and submitted to the board. Mr. Chadwick said the lots could have 50% tree preservation.

No other board members had questions. Mayor DiNardo has concerns with the disturbance of the lot as is compared to the subdivision and imposing restrictions to keep them with less disturbance. Mr. Gallic feels the variance is too large (12,000SF), and doesn't remember ever permitting this in the past.

Mr. Gallic questioned if this meet the C(1) or the C(2) standards.

Mr. Page said they could have done the lots more evenly and you would never know from the roadway that they were undersized. He would like to come back and show what can be done with tree preservation, house size restriction and impervious coverage.

The application will carry to October 28, 2019 with no further notice.

■ **SCHEDULE OF NEXT MEETING: October 28, 2019 and November 25, 2019**

■ **ADJOURNMENT** Motion was made by Mr. Toth, seconded by Committeeman Marion. All in favor Meeting adjourned at 8:35 p.m.