

**WARREN TOWNSHIP PLANNING BOARD  
MEETING MINUTES  
7:30 P.M. – Susie B. Boyce Meeting Room – 44 Mountain Boulevard  
January 23, 2023  
APPROVED**

**CALL TO ORDER**

**FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS**

**ROLL CALL**

Mayor DiNardo	Mr. Scuderi
Committeeman Lazo (excused)	Mr. Esposito
Mr. Gallic (excused)	Mr. Lippitt
Mr. Toth	Mr. Dwyer
Mr. Lindner	
Mr. DiBianca (excused)	
Mr. Argiro	

***Statement by Presiding Officer:*** Adequate notice of this meeting was posted on January 11, 2023, the Township bulletin board and sent to the Township Clerk, Echo Sentinel, and Courier Newser 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:**

December 12, 2022 and January 9, 2023

Motion was made by Mr. Toth, seconded by Mr. Lippitt to approve both minutes.

**ROLL CALL**

Roll Call

For: Mr. Toth, Mr. Argiro, Mr. Esposito, Mr. Lippitt, Mayor DiNardo,

■ **Reports:**

Steve Warner, Esq.  
John T. Chadwick, IV, P.P., Professional Planner  
Christian Kastrud, P.E., Professional Engineer  
Maryellen Vautin, Clerk

No reports

■ **CITIZENS HEARING non-agenda items**

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Seeing no one come forward Mr. Lindner closed this portion of the meeting.

■ **CORRESPONDENCE**

No correspondence

■ **RESOLUTIONS:**

None.

■ **HEARING agenda items**

**PB19-08**  
**84 Ann Street LLC**  
**Block 203 lot 10**  
5 Majors Road  
Minor Subdivision extension request

**PB21-05**  
**Scotts Properties LLC**  
**Block 55 lot 26**  
58 Dock Watch Hollow  
Minor Subdivision extension request

Mr. Flynn, Board Attorney, went over the requests and the applicants were going through compliance and the Township Attorney, did not approve either project because the statute requires that the subdivisions be recorded within 190 days after the board grants approval. There are outside agencies that delayed that and the planning board may grant them an extension for filing of the minor subdivision deed and the deeds themselves were sufficient in their content but were not approved because they were not filed. The board can give them a one-year extension as they would for the protection of the same approval.

For PB19-08 a motion was made, and seconded by Mr. Argiro to give the extension

ROLL CALL

For: Mr. Toth, Mr. Argiro, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mr. Dwyer, Mayor DiNardo, and Mr. Lindner.

Against: None.

For PB21-05 motion was made by Mr. Argiro, seconded by Mr. Esposito.

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ROLL CALL

For: Mr. Toth, Mr. Argiro, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mr. Dwyer, Mayor DiNardo, and Mr. Lindner.

Against: None.

**PB22-05**

**144 Liberty Corner Real Estate, LLC**

**Block 11 lot 6.02**

144 Liberty Corner Road

Preliminary and Final Major Subdivision

Mr. Jeffrey Chang, attorney for the applicant, came forward and went over the subdivision. He had Mike Ford, the applicant's engineer, and Mr. Justin Auciello, applicant's planner with him. They were sworn in, along with Mr. John Chadwick, the township Planner, and Mr. Christian Kastrud, the Township Engineer.

The application is a preliminary and final major subdivision with bulk variances for five lots/single family homes. The property is about 7.7 acres and in the R-65 zone. It is Block 11 lot 6.02. There is sewer access proposed through 20 Mountain View Road. Also, an emergency access is proposed through the same lot. The variance they are asking for is a front yard 50 ft setback vs. 75 ft. required.

They want to preserve the woods in back yards and have less impervious coverage. The lot 1 (proposed lot 6.06) on the plan is 1.265 acres, lot 2 (proposed lot 6.05) is 1.263 acres, lot 3 (proposed lot 6.04) is 1.268 acres, lot 4 (proposed lot 6.03) is 1.280 acres, lot 5 (proposed lot 6.02) is 2.628 acres.

The engineer, Michael Ford, came forward as the applicant's engineer and gave his credentials and was accepted by the board. Mr. Ford brought in Exhibit A-1, colorized arial, proposed condition exhibit dated June 4, 2021 with latest revision of January 11, 2023 and passed out smaller versions for the board and public. It is the subdivision plan and landscape plan. He went over the 7.7 acre parcel with access on Liberty Corner Road. They propose to use the variable lot provision in order to work with the constraints of the site. The existing lot is a flag lot. There is a single-family home on it. It is on a septic system and a private well, which would be decommissioned and the dwelling will be demolished.

They made an agreement with the neighboring property lot 6.01 that has access on Mountain View Road (where there is public sewer). They propose to bring public sewer through that lot via an easement. They did get a preliminary approval from the sewer authority and do have a will serve from the water company. They do request relief for the front yard set back for all lots. The existing driveway is the proposed roadway with some modifications and widened. All lots will front on it. The front yard required is 75 ft. but because of the shape of the lot and the objective to be in the middle of the tract and keep back yards and keep some buffering with neighboring properties. There would be shorter

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driveways with the smaller set back and less impervious coverage. There is a watercourse just off the property and there is a flood plain and a riparian zone associated with that. They have been to DEP and secured an extension of the LOI. They also delineated the flood hazard area also.

Mr. Chadwick mentioned there is a conformance plan in the set of plans and it meets the requirements. They are trying to preserve vegetation on the westerly boundary and the east side to provide a useable area on the lots. There were dark green areas where existing woods will be preserved, the light green is areas that will be disturbed due to grading or drainage. Sheet 17 shows a tree mitigation plan.

There was discussion on moving the houses back from the road and maybe going 60 ft. instead back.

Stormwater is handled here by small scale bioretention basins, rain gardens. It is a vegetative basin with plantings in it. It is concerned with quality, and the storm thresholds, and they have met the new regulations going into place shortly. There are four basins. The site drains partially towards the west and partially towards the east. There are minor retaining walls with the basins. There are limits on retaining walls in front yard in Warren. These are variances for retaining walls over three feet. The highest is 9 feet on this plan. There is quantity, quality, and recharging to be considered in stormwater. The basins meet all requirements.

They have addressed many of the Somerset County Review issues. They have addressed many of the township professional's comments. Mr. Toth brought up the fact that the plantings will need to be salt tolerant due to salting of roadway. Mr. Ford said the landscaping was prepared by a landscape architect and the plantings were carefully chosen for each location. There will be two basins with more than an acre of drainage area and will have pre-treatment devices on those. It helps with water quality.

The maintenance of these basins will be by a Homeowners Association that will be established. There was discussion on the height of the retaining walls and which ones will need variances. Mr. Chadwick stated that three of the basins will require variances, the first two lots coming into the property, and the other one in the back of the property on the back part of the wall.

Mr. Chadwick asked if the homeowner association will have any other maintenance responsibilities other than the basins. It will be a public road and the easement for the sewer will be to the Township. They can put a chain up so people don't think the easement will be a public access at the back of the lot so the neighboring property is not affected, there will be grass pavers. The applicant thought it was the Fire Marshall who require the pavers for easy access. Mr. Chadwick said the maintenance of the grass pavers is going to the HOA.

Mr. Chadwick said there will be conservation easements placed for all wetlands, riparian, etc. They discussed what areas will be preserved.

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Mr. Ford said they have had some communication with the neighbor, Mr. Picaro about landscaping and providing buffering.

They have also spoken to the land owners south of them at lot 14.01 and 14.02 about public sewer to be extended to those properties. That would affect the buffering of other properties. This project has been designed with the sewer coming from the end of the cul-de-sac and down the middle of the road. The applicant does not want any financial impact. There was further discussion on the engineering issues and providing sewer and clearing limits and environmental constraints.

The sewer easement will come off of lot 6.06. There was discussion on possible issues on sewer construction and where sewer is already in the area. Mr. Chadwick went over his January 20, 2023 report. The qualifying plan for the lots conform. DEP requirements have been met. The setbacks and retaining wall will be addressed further by the planner. They have discussed the tree preservation and roadways and standards are compliant. The conservation areas have been discussed.

Mr. Kastrud went over the Township Engineering report, dated January 20, 2023, which is an update from the November 2022 memo. They have worked with the applicant's engineer and many comments have been satisfied. The county has jurisdiction of the entrance. The applicant will work with the Fire Marshall and the county. Mr. Kastrud went over some of the stormwater devices; the homeowners association will be responsible for operation and maintenance of the stormwater structures. The stormwater maintenance manual will be recorded at the county. All homeowners will be part of the HOA. The access easement to Mountain View will also be maintained by the HOA.

Mr. Lindner asked if anyone had questions for the applicant's engineer. Mr. Russell Limoli from 138 Liberty Corner Road came forward. Mr. Limoli asked about test pits for ground water. The engineer said typically this is addressed at the time of construction permits (about basements and waterproofing). Mr. Limoli asked about the profile and elevations of the property. Mr. Ford went over the profiles showing it on the plans. Mr. Limoli asks because the desire to gain sewer to the neighboring properties, including his and the difficulties to get it. He feels this applicant might be able to help with that instead of blocking them from it. Mr. Limoli was sworn in.

There was discussion on HOAs in Warren. They are in place and include maintenance of the stormwater systems.

Mr. Limoli spoke about the five lots and being shoe-horned into the property with an HOA. He asked if it is possible to get a car and a snow plow on the proposed road. It is. The road meets the RSIS standards. Mr. Limoli asked about the lot average of 1.25. There is no open space proposed. It is a public road, a Township road. Mr. Limoli spoke about the drainage and rain gardens with spill

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ways. Will water come out of these spillways? They are emergency spillways and they are not designed to have water running over them but if an outlet structure failed, or a large storm occurred these would work. Mr. Ford went over these structures and locations on lots 6.02, 6.03 and 6.04. There was further discussion on how basins work, retaining water, and releasing in a controlled rate and the quantity of the post-construction does not exceed the existing condition. It is reduced. These designs were designed with the new standards that are coming soon.

There was discussion on Mr. Dang's property at 142 Liberty Corner. Mr. Ford said that the drainage runoff goes to the drainage feature along Liberty Corner Road under the culvert that exists today and that will not change. They discussed the small scale bioretention basin/system. There is filter media at the bottom of the basin, which is a soil mix. It recharges the water back into the soil. Mr. Limoli again stated the sewer line is somewhat higher and would like to see a remedy to get sewer to the neighboring properties.

Ms. Heather Picaro came forward from 24 Mountain View Road. She wants to ensure there is privacy between her property and the proposed subdivision. Ms. Picaro was sworn in. She asked about the dwelling on Mountain View where the access is proposed. The applicant does not own the property. They went over the landscaping along the property line with 24 Mountain View. The applicant agrees to the buffer.

Ms. Ganges Dang came forward from 142 Liberty Corner. She has concerns because the development is close to her property. Mr. Ford went over the conservation easement that is required. She spoke about a fence and development and nature. No fence is proposed by the developer. The conservation area will keep a buffer between the properties.

She asked about the detention basins and they should not keep water, they will drain out within 72 hours of rainfall.

Mr. Justin Auciello, the planner for the applicant, came forward and gave his credentials and was accepted by the board. He went over the variance for each lot, 50 ft. vs 70 ft. required. He feels this plan makes more sense to have the lots closer to the road. There are some constraints to the north. The road complies with the RSIS. The design shown on Exhibit A-1 shows some limits on the site with conservation easements proposed. The property owners will be able to use their property and have privacy with the dwellings up closer to the road. There are larger back yards and the dwellings will not as close to neighboring properties this way. There is less impervious coverage also. This design makes more sense for the property owners. The conservation easements provide privacy, along with landscaping.

Mr. Auciello feels this can be granted under the c2 standard. The benefits outweighs the detriments. There is no substantial detriment to the public. It does advance the purpose of zoning, criteria g is advanced, light air and open space

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(criteria c). The retaining wall height on three lots require variances. This is for grading and drainage. It is a c1 hardship due to the lots. There is no substantial detriment to the public good and the applicant has worked with the neighbors and the township professionals to come up with a plan that meets the needs of the applicant and respectful of the neighbors and the Township. Lastly, Mr. Auciello said the variances can be granted because they will not impair the intent and purpose of the zone plan and the zoning ordinance.

Mr. Lindner asked about the compliance plan to meet the zoning standards with five lots and no variance, other than the retaining wall. It is on sheet 3 of the plans. There is adequate building area with both plans. Sheet 3A shows the 1.5 acre set up. Mr. Lindner was more comfortable that it shows they could get five lots. They discussed the retaining wall and the view from the road. The walls are for the shape of the basins. They discussed the plan and they propose this is a better plan. The board has the authority to grant the retaining wall variances under the c1 criteria, exceptional physical features affecting the site.

Mr. Chadwick discussed the lot size averaging and getting better sites for homes. The community is rural and wants privacy. With 75 ft back on these lots it takes away privacy. No more board member had comments.

Mr. Lindner went to the public for comments. Ms. Dang came forward again and asked about having access to water, she has a well. There is public water in Liberty Corner and this subdivision will have access to public water and will not affect wells.

Mr. Russ Limoli came forward again and he feels 5 houses is a lot and they could cut it back to four and not have drainage problems. The applicant wants to make money and they could give something back.

There were no more comments. The public comment portion of the meeting was closed.

Mr. Lindner asked if something should be decided then about a sewer easement for other residents use. Mr. Chadwick suggested making it a finding of fact concerning an easement in the resolution. The lot 6.06 is the lot of a possible easement. The applicant does not want a cost to them.

Motion was made by Mr. Esposito, seconded by Mr. Argiro to approve the subdivision.

**ROLL CALL**

For: Mr. Toth, Mr. Argiro, Mr. Scuderi, Mr. Esposito, Mr. Lippitt, Mr. Dwyer, Mayor DiNardo, and Mr. Lindner

Against: None.

**SCHEDULE OF NEXT MEETING**

February 13, 2023 (cancelled) March 13, 2023 (cancelled)

- **ADJOURNMENT** Meeting adjourned approximately 10:00 p.m.