

January 10, 2007

The monthly meeting and re-organization of the Greenwich Township Planning Board was held on the above date and was called to order by Elva Pomroy, Planning Board Secretary, at 7:30 P.M. in the Municipal Building. The meeting opened with the Pledge of Allegiance.

Pursuant to the Open Public Meetings Act, Chapter 231, PL, 1975, adequate notice of this meeting has been given in accordance with the Open Public Meetings Act by:

1. Mailing a notice of scheduled meetings of the Greenwich Township Planning Board to the Express-Times and Star-Ledger.
2. Posting a notice thereof on the Township bulletin board.
3. Filing a copy thereof with the Township Clerk.

The following appointments were made by the Township Committee on January 1, 2007 and were sworn in by Attorney Edleston:

William Kanyuck, Mayor, Class I	Term Expires 2007
Elaine Emiliani, Committee Class 3	Term Expires 2007
Dave Barretto - Class 2 member	Term Expires 2007
Charlie Stillman - Alternate Member #1	Term Expires 2008
Doris Rayna - Class 4 member	Term Expires 2010
Tim Gale - Class 4 member	Term Expires 2010

Board members present: Jim Adams, Dave Barretto, Helio Carvalho, Elaine Emiliani, Tim Gale, Ken Hoser, Bill Kanyuck, Doris Rayna, Tom Bolger, Charles Stillman, Alternate #1. Also present were Michael Finelli, PE., William Edleston, Esq. and David Banisch, Planner. Absent was Roy North, Alternate #2.

The secretary received nominations from the floor for the position of Chairperson. Bill Kanyuck made a motion, seconded by Helio Carvalho, to nominate Tom Bolger. Mr. Bolger accepted the nomination. There being no further nominations, Jim Adams made a motion, seconded by Doris Rayna, to close the nominations. Bill Kanyuck made a motion, seconded by Tim Gale, to elect Tom Bolger as Chairperson of the Greenwich Township Planning Board for the year 2007. The motion carried with the following roll call vote:

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IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Stillman.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Nominations were received from the floor for the position of Vice-Chairperson. Elaine Emiliani made a motion, seconded by Bill Kanyuck, to nominate Doris Rayna as vice-chairperson. Doris Rayna accepted the nomination. Helio Carvalho made a motion, seconded by Dave Barretto, to close the nominations. Dave Barretto made a motion, seconded by Helio Carvalho, to elect Doris Rayna as Vice-Chairperson of the Greenwich Township Planning Board for the year 2007. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Doris Rayna made a motion, seconded by Elaine Emiliani, to retain Elva N. Pomroy as planning board secretary for the 2007 year. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Stillman, Bolger.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Resolution 2007-01

Schedule of regular meetings of the Greenwich Township Planning Board, meetings being held on the second Wednesday of each month, starting at 7:30 P.M, ending at 10:30 P.M. No new applications after 10:00 p.m. Tim Gale made a motion, seconded by Elaine Emiliani, to adopt the Resolution as prepared. The complete Resolution is attached to the original minutes. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Resolution 2007-02

Charge of \$20.00 for notice of meetings and agendas. Doris Rayna made a motion, seconded by Jim Adams, to adopt the Resolution as prepared.

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The complete Resolution is attached to the original minutes. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-03

Charge of \$50.00 for requests for copies of monthly minutes. Elaine Emiliani made a motion, seconded by Tim Gale, to adopt the Resolution as prepared. The complete Resolution is attached to the original minutes. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-04

Open Public Meetings Act requires that certain notice of meetings shall be submitted to two newspapers of the Township. The Newark Star Ledger has been designated as the official NJ newspaper to receive all notices of meetings and decisions of the Planning Board. The Express-Times has the greatest likelihood of informing the public within the jurisdictional area of this board of such meetings and has been designated as a secondary newspaper. The complete Resolution is attached to the original minutes. Helio Carvalho made a motion, seconded by Elaine Emiliani, to adopt the Resolution as prepared. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Resolution 2007-05

Dave Barretto made a motion, seconded by Tim Gale, to retain William R. Edleston, Esq., as Planning Board Attorney for the year 2007. The motion carried with the following roll call vote:

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IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Attorney Edleston has signed the certification under the "Pay-to-Play" law that indicates that he has complied with that law and made no reportable contributions to any members of the township committee.

Resolution 2007-06

Elaine Emiliani made a motion, seconded by Doris Rayna, to retain Michael S. Finelli, PE., of the firm of Finelli Consulting Engineers, as Planning Board Engineer for the year 2007. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Michael Finelli has signed the certification under the "Pay-to-Play" law that indicates that he has complied with that law and made no reportable contributions to any members of the township committee.

Resolution 2007-07

Doris Rayna made a motion, seconded by Tim Gale, to retain David Banisch as Planning Board Planner for the year 2007. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser,
Kanyuck, Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

David Banisch has signed the certification under the "Pay-to-Play" law that indicates that he has complied with that law and made no reportable contributions to any members of the township committee.

Resolution 2007-15

WHEREAS, a policy regarding attendance of any Committee representing the Township is in need of being addressed; and

WHEREAS, the Mayor and Township Committee have developed a policy to be adhered to from all Committee's; and

WHEREAS, if any appointed member of any Committee does not attend three consecutive meetings or five meetings in a year, without excuse, the Mayor reserves the right to consider those absences an indication of resignation, and may appoint a new member; and

WHEREAS, the member being replaced will be notified, if feasible or possible, and given the right to appeal to the mayor within thirty days; and

WHEREAS, any member moving outside the Township of any Committee will be considered to be resigned.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Greenwich, county of Warren, State of New Jersey that a policy is hereby established by the Township Committee representing the township.

PICC Land/Minor Subdivision/Lot Line Adjustment. Dave Barretto made as motion, seconded by Tim Gale, to carry the application to February 14, 2007 meeting. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Kanyuck, Rayna, Bolger.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Polaris Warren, LLC, Resolution. Resolution memorializing the grant of Preliminary Site Plan approval and bulk variance relief related thereto for construction of 34,050 square foot medical fitness building, Block 25, Lot 2, was reviewed as to its form and accuracy.

Attorney Edleston stated that the applicant's attorney has requested some changes to the Resolution. The major change is condition #5, page that has to do with payment of the COAH growth share fee. The applicant wanted that entire paragraph changed to "the applicant shall comply with the Township of Greenwich affordable housing growth share ordinance". The resolution that Attorney Edleston had prepared had established a figure that David Banisch had calculated and in a letter to Attorney Edleston, the applicant had indicated that the reason for that change is that they are under the impression that the township's growth share ordinance and the regulations promulgated by COAH allow a developer to either construct the required units on site, secure the required number of

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units off site or make a in lieu contribution to the municipality. At this point, the letter further stated, the applicant has not yet decided how they wish to proceed, although they will not be constructing units on site. However, given the exuberant amount sought via a lieu contribution, the applicant will be exploring other options to satisfy this responsibility. Mr. Banisch takes no exception to the change in light of the fact that the ordinance does provide them with those options. Mr. Banisch stated that before a building permit is issued, they will have to figure out what they want to do. Mr. Banisch stated that if the applicant chooses to construct units on site, they will have to come back and amend their preliminary because it is not included on site. Mr. Banisch feels that instead of payment in lieu of construction, they will find some way to produce off site. To produce off site, they could either acquire a site, construct the unit and either rent it or sell it. Another way of producing the unit off site would be to buy an existing unit and to resell it to an eligible person as low and moderate income. That would require a 30 year income control on the unit.

Doris Rayna felt that the applicant should make up their mind on which route they want to go before the Resolution is adopted. Charles Stillman stated that a paragraph should be in the Resolution indicating in lieu of their decision, the construction permit will not be issued until they have decided which mechanism they are going to utilize and execute. Ms. Rayna felt that the wording in the Resolution should be correct before the Resolution is adopted. This should be known upfront. Michael Finelli stated that this application was only granted preliminary approval. They can't go to final until the sewer capacity issue is resolved and they can't go to construction until they come back to the board, which will open up this question again. Attorney Edleston stated that the Resolution indicates that no construction shall commence until final approval is received.

Ken Hoser stated that the inkberry shrub, approved in the Resolution, is a nuisance plant. The shrub will be planted around the edge of the parking lot.

David Banisch will talk to Attorney Selvaggi to see what the applicant is planning on doing regarding COAH and will discuss the inkberry shrubs.

After further discussion, the board felt that they should know the path the applicant is going and Doris Rayna made as motion seconded by Jim Adams, to table the adoption of the preliminary Resolution. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Hoser, Kanyuck,
Rayna, Bolger.
OPPOSED: Gale.
ABSTAINED: None.

Motion carried.

Charles Stillman stated that in the future, the board should discuss what the mechanism would be to monitor this particular scenario. Chairman Bolger stated that when applicant's come before the board, that is when procedures will be put into place.

Stewartsville School – Local Redevelopment and Housing Law. Elaine Emiliani stated that the township committee has requested that David Banisch present a ball park figure for the study. David Banisch stated that the work will not exceed \$5,000.00. Ordinance preparation will be over and above that. If the school is redeveloped as affordable housing for age restricted, those administrative will be paid from the township's affordable housing trust fund.

The process of redevelopment area designation and redevelopment plan procedures is the governing body passes a Resolution asking the planning board to conduct an investigation to determine whether conditions exist to designate the site of a redevelopment area. The planning board conducts an investigation by preparing a map showing the proposed redevelopment area. A public hearing is then held by the planning board. At the conclusion of the public hearing, the board makes a recommendation as to whether or not the site should be designated as a redevelopment area. That goes back to the township committee and at that time may accept that recommendation or amend that recommendation. An ordinance has to be adopted to designate a site for a redevelopment area. After that action takes place, then there is a redevelopment plan. The plan is prepared by the planning board. The planning board would then adopt the plan and the governing body would be charged with implementing the plan. This procedure is outlined in a memo dated September 29, 2006.

If this moves forward and if the township committee enters into a contract with a private entity, a lot of this money could be recouped. If engineering, planning, attorney costs were \$10,000.00, that could be part of the contract and the re-developer would pay for it.

Farmland Preservation Plan. The township committee has requested that David Banisch update the township's Farmland Preservation Plan. Mr. Banisch stated that the cost would not exceed \$3,500.00 to update the plan.

Existing ordinances have to be updated. This would be done by Mike Finelli, David Banisch and Bill Edleston. A cost will be submitted. These numbers should be submitted to the township committee by January 18th.

Highlands. Mike Finelli stated that he took the township zoning map and the townships base map and overlaid the Highlands draft Regional Master Plan Land Use capability map on top of it and, primarily there are six (6) different areas. There are 3 different areas, which are in the planning area and preservation area. They are conservation zone, a protection zone and a planned community zone. They are the 3 zones per planning area. The map presented by Mike Finelli shows these zones. In the planning area, the

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Conservation Zone generally, is all lands in the township that lie south of Route 57 and north of Warren Glen Road. The Protection Zone is the area including a portion of Pohatcong Mountain along New Village Road that extends into Franklin Township. The Planned Community Zone is the area encompassing Greenwich Chase, Wyndham Farms, Route 22 commercial property that is developed and those lands situated south of Route 173 between I-78 and Voorhees Road. Two lots on the west side of Route 519 are shown with the Planned Community Zone Designation, as well as a small area located near the intersection of Route 639 and Route 173.

In the Preservation Area, the Conservation Zone is the area north of Route 57 and west of Richline Road and the entire area south of Route 639 and south of Route 173 between the municipal boundary and intersection of Route 639. The Planned Community Zone is a very small area south of Route 173 between Bloomsbury and Route 639. The Protection Zone is the area north of Route 57 and east of Richline Road and three small areas located along the southerly most portions of the municipal boundary.

The Zones are fully described in a report prepared by David Banisch, dated January 8, 2007, of which will be made part of the minutes.

David Banisch presented a slide presentation of the Highlands Regional Master Plan mapping. At the end of the process of reviewing the Highlands Master Plan, the question is does the township want to opt into the regional plan. The policies of the Highlands Draft Regional Plan are outlined in Mr. Banisch's report of January 8, 2007.

Matt Mulhill, Hydrologist, will be asked to come to the February 14, 2007 meeting to provide comments based on his report and what the Highlands say we have, in regards to the water quantity.

Comments on the Highlands Master Plan are due by March 2, 2007.

Chairman Bolger suggested having a special meeting at the end of January. Chairman Bolger stated that the board has to make comments and go on record that they have reviewed the Highland Maps, but the board agrees with their professionals regarding the water issue. David Banisch will contact Mr. Mulhill and ask him to attend the special meeting and have him prepare comments for the board and then the board can finalize it at the February 14, 2007 meeting.

Jim Adams made a motion, seconded by Dave Barretto, to schedule a special meeting on January 29, 30, or 31, 2007. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Kanyuck,
Rayna Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Planning classes: March 10, 2007 is the next mandatory planning course.

COAH Ordinance. Attorney Edleston stated that there was an application before the zoning board for a small engine repair and as a condition of that approval, David Banisch had calculated his COAH fee to be \$16,000. Letters have been written by the applicant's attorney to the township committee, planning board and board of adjustment concerning this matter. The applicant has asked the township committee to look at the ordinance and ask for a revision of that ordinance. Mr. Banisch feels that an exemption makes sense in the case of small developments. Mr. Banisch has come up with exemptions in other towns, such as for a single family dwelling, which is not part of the development; they are required to pay the development fee, not the growth share payment. The other exemption would be to find some threshold below which a non-residential development is required to pay the development fee and not the growth share fee.

Chairman Bolger stated that if that is the case and there is an exemption and they would only pay the development fee and not the growth share fee, as some point there would be a part which the township would be responsible for. Somebody has to pay it. It is going to be the people who are doing the development, no matter how small or big they are, or it is going to be the taxpayers. Chairman Bolger would prefer it not to be the taxpayers. Board members agreed that you have to look at the size and shouldn't be going after the small developers, but you have to recoup the money some place. Somebody has to pay for it. The larger developer should pay.

David Banisch stated that the township has \$1.5 million in account to be used for COAH activity and 39 credits. This is to be used for affordable housing activity within the township.

Elaine Emiliani asked if this was based on the third round obligation and David Banisch responded yes. Ms. Emiliani stated that there are a lot of loop holes in the third round obligation that are being fought.

David stated that COAH identifies what exempt development is. Growth share money has to be spent in town. Development fee money can be spent on a RCA unit.

Doris Rayna stated that if we don't like the way the exemption is working out in the ordinance, it can be looked at and changed in a year.

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David Banisch stated that one house (single family home), we would be moving him over to the development fee (2%). We are still taking money, but not as much. The State will be counting in 2010.

After discussion, Doris Rayna and the board stated that this should be reviewed every year.

David Barretto made a motion, seconded by Elaine Emiliani, to have David Banisch prepare a draft ordinance for the board review which will include a maximum available for exemption from the fair share growth fee but would include the development fee. The board would review, approve and then send to the township committee. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Kanyuck,
Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Doris Rayna made a motion, Elaine Emiliani, at the reorganization meeting in January of each year, review the applicability of growth share ordinance. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Kanyuck,
Rayna, Bolger.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Elaine Emiliani stated that she would like to offer her services to the planning board to start to spear head by-laws where we can adopt these items into the by-laws and then it would be memorialized and adopted every year. This gives the board a guide where they have to review things on an annual basis. This would allow the board to operate no matter who is on the board. William Edleston stated that MLUL supersedes the by-laws.

Jim Adams made a motion, seconded by Elaine Emiliani, to adjourn the meeting. Motion carried. Meeting adjourned at 9:50 p.m.

Tom Bolger
Chairman

Elva N. Pomroy
Planning Board Secretary

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