

Draft – 2/19/09

Greenwich Township Board of Adjustment

February 12, 2009 Minutes

The monthly meeting of the Greenwich Township Board of Adjustment was held on the above date and was called to order by Vice Chairman, Dawn Marie Kondas, at 7:30 P.M., in the Municipal Building.

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 Board of Adjustment to the Express-Times and The Star-Ledger.
2. Posting a notice thereof on the Township bulletin board.
3. Filing a copy thereof with the Township Clerk.

The Board and members of the audience stood for the Pledge of Allegiance.

Dan Detore was sworn in as member for a four year term.

Jeanne Zander was sworn in as Alternate #1 for a two year term.

Board members present: Joe Schiller, Angelo Faillace, Dawn Marie Kondas, Dan Detore, Tom Strozeski, and Jeanne Zander. Ray Buckwalter, Steve Babula and Robert Vetrecin had excused absences.

Also present were: Jonathan Drill, Esq., Michael Finelli, P.E., Lisa Specca, P.A. and Betty Ann Bechtold, Acting Secretary.

Mr. Faillace made a motion, seconded by Mr. Schiller to adopt both the regular minutes and the executive session minutes with the following change: Dawn Marie Kondas' name was corrected.

Roll call vote showed the following result: 4 yes votes by – Mr. Faillace, Ms. Kondas, Mr. Schiller and Mr. Strozeski. Motion carried.

Resolution to Adopt

Resolution No. 2009-01 / Schisler – Block 26, Lot 22 – Application #8-08

A motion was made by Mr. Faillace, seconded by Mr. Schiller, to adopt Resolution No. 2009-01. Roll call vote showed the following result: 4 yes votes by - Mr. Faillace, Ms. Kondas, Mr. Schiller and Mr. Strozeski. Motion carried.

A zoning permit can not be issued until the escrow account is replenished and a letter submitted from COAH determining that the application is exempt from the scarce resource restraint.

Public Hearings

PICC Land Management, LLC – Block 22.30, Lot 1 – 107 Greenwich St. Application # 1-2009

A use variance was granted to permit an office in the dwelling on the property and memorializing Resolution 2008-11 was adopted on November 6, 2008. Applicant has now applied to the board for a variance to erect a 22” x 72” sign.

Ms. Bechtold noted that the taxes were paid to date, the escrow balance is sufficient, the affidavit of publication was reviewed and found to be properly advertised and property owners within 200’ were properly notified. The Board had jurisdiction to conduct the Public Hearing.

Mr. Faillace made a motion, seconded by Mr. Strozeski, to open the Public Hearing. Roll call vote showed the following result: 6 yes votes by – Detore, Faillace, Kondas, Schiller, Strozeski, and Zander.

Bruce Jones, applicant’s attorney stepped up and identified himself. Rod Pianelli (applicant), Lisa Specca, P.P. (Board planning expert) and Mike Finelli, P.E. (Board engineering expert) were sworn in.

Mr. Jones explained that they were appearing before the Board for variance relief to erect a 22’ x 72” freestanding sign. Mr. Drill noted that a free standing sign is not permitted in the zone and would require “D” variance relief. Section 16-11.25(h) of the sign ordinance permits a maximum size of 6 s.f. and the sign to be mounted on the building.

Mr. Pianelli testified that he wanted a free standing sign for traffic safety – people wouldn’t have to slow down to see the sign. The sign wouldn’t be visible if it was attached to the building. Also, he paid \$1,200 for the sign.

The Board was polled and said no to a free standing sign and no to hanging just the logo under the mailbox.

The applicant then announced that it would withdraw his “D” variance request.

He would now need “c” variance relief for an 11 s.f sign mounted on the building.

The Board was polled and said no to an 11 s.f. sign.

The applicant then announced that it would withdraw the “C” variance request.

The applicant and its representatives then left the room.

The Board discussed what it should do as the hearing was not yet closed. The Board determined to dismiss the application and directed its attorney to draft a short memorializing resolution reciting what had occurred and dismissing the application with prejudice.

Mr. Detore made a motion, seconded by Mr. Schiller, to close the public hearing. Motion carried.

Kondas made a motion, seconded by Detore to dismiss the application and for attorney Drill to prepare a resolution memorializing the dismissal for adoption at the Board's next meeting.

Roll call vote showed the following result: 6 yes votes by – Mr. Detore, Mr. Faillace, Ms. Kondas, Mr. Schiller, Ms. Zander and Mr. Strazesi. Motion carried.

Mansions at Allamuchy – Block 26, Lot 26
Application # 2- 2009

Applicant is appearing before the board to present a special question in accordance with N.J.S.A. 40:55D-70(b). The special question is whether it would be a substantial change to the approved subdivision if access would now be from Greenwich Street via Oberly Street instead of directly from South Main Street.

Ms. Bechtold noted that the taxes were paid to date, the escrow balance is sufficient, the affidavit of publication was reviewed and found to be properly advertised and property owners within 200' were properly notified. The Board had jurisdiction to conduct the Public Hearing.

Mr. Faillace made a motion, seconded by Mr. Strozeski, to open the Public Hearing. Roll call vote showed the following result: 6 yes votes by – Detore, Faillace, Kondas, Schiller, Strozeski, and Zander.

Mike Selvaggi, Esq. stepped up and identified himself as the applicant's attorney. Lisa Specca, PP (Board planning expert), Mike Finelli, P.E. (Board engineering expert), Gerald Philkill, P.E. (applicant's engineering expert), Jose Dominques (applicant's president), and John Dominques (applicant's president's son) were sworn in.

Exhibits were marked as follows: A-1 – Preliminary Plat, Major Subdivision prepared by Clay McEldowney, P.E., sheet 2 of 6 dated 12/27/05. A-2 – Special Water Resource Protection Area Encroachment plat. A-3 – Conceptual Lot Layout for Preliminary Plat of Major Subdivision prepared by Clay McEldowney, dated 8/9/08.

The applicant wished to submit the amended subdivision layout (Exhibit A-3) to the Planning Board for Final approval. Applicant is asking the Board of Adjustment to determine if the amended plan was a substantial change from the preliminary plan (Exhibit A-1), thereby requiring the applicant to submit a new application to the Planning Board.

Lisa Specca, PP and Mike Finelli, PE testified as to their reports.

Jose Dominques and his son John Dominques testified as to the history of the application.

The Board was polled and all felt compassion for the developer but all agreed that the changes were substantial.

The meeting was opened to the public. Sue Schisler and Tom Smith asked questions which were answered.

Mr. Detore made a motion, seconded by Mr. Schiller, to close the public hearing. Motion carried.

Ms. Kondas made a motion to determine that the changes were substantial. Motion was seconded by Mr. Schiller. Roll call vote showed the following result: 6 yes votes by - Detore, Faillace, Kondas, Schiller, Strozeski, and Zander. Motion carried.

Mr. Schiller made a motion to adjourn. Motion carried.

Respectfully submitted,

Betty Ann Bechtold, Acting Secretary/Administrator