

May 8, 2008

The monthly meeting of the Greenwich Township Board of Adjustment was held on the above date and was called to order by Ray Buckwalter, Chairman, 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 Board of Adjustment 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.

Board members present: Steve Babula, Dawn Marie Kondas, Bill Savino, Joe Schiller, Robert Vetrecin, Bruce Williams, Ray Buckwalter, Dan Detore. Also present were Michael Finelli, Engineer and Jonathan Drill, Esq. Absent was Angelo Faillace.

Bill Savino made a motion, seconded by Robert Vetrecin, to adopt the minutes of the April 10, 2008 meeting. The vote is as follows:

IN FAVOR: Kondas, Savino, Williams, Buckwalter,
Schiller, Detore.

OPPOSED: None.

ABSTAINED: Babula, Vetrecin.

Motion carried.

2007 Annual Report Resolution. Resolution adopting the 2007 Annual Report was reviewed as to its' form and accuracy. Upon review, Steve Babula made a motion, seconded by Bruce Williams, to adopt the Resolution as prepared. The vote is as follows:

IN FAVOR: Babula, Kondas, Savino, Vetrecin, Williams, Buckwalter,
Schiller, Detore.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Rules and Regulations Resolution. Resolution adopting the board's Rules and Regulations was reviewed as to its' form and accuracy. Upon review, Bob Vetrecin suggested the heading read "Procedures, Rules and Regulations". Bruce Williams discussed the section on absentee votes. Bruce has a concern if a person abstains on a "d" Variance. Attorney Drill suggested some language changes to read "An abstention shall be regarded as an assent to the vote of the majority, except for a "d" variance". "Thus, if the majority of those voting would affirm a measure, abstentions would be counted toward affirmance; if the majority would defeat a measure, abstentions will be counted toward defeat. However, an abstention shall not be regarded as an assent to the grant of a "d" variance". Upon review, Bruce Williams made a motion, seconded by Robert Vetrecin, to adopt the Resolution as amended. The vote is as follows:

IN FAVOR: Babula, Kondas, Savino, Vetrecin, Williams, Buckwalter,
Schiller, Detore.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Case No. 2-08, Planned Equity, Block 26, Lot 2, Use Variance, second completeness review and waiver request.

Bruce Williams, Vice-Chairman, recused himself and Angelo Faillace, Alternate #1, is a property owner and recused himself and was not present.

The vacant piece of property is located in the OP/LR Zone. The proposal is for the following uses:

- Retail space – 30,400 sq. ft.
- Office space – 8,500 sq. ft.
- Health/Fitness Center – 27,500 sq. ft.
- Daycare – 9,600 sq. ft. with a contiguous outdoor play area of 10,000 sq. ft.
- Bank – 4,000 sq. ft.
- Apartments – 9,000 sq. ft.

The Use Variance application component of the proposal is specifically being submitted for approval to permit the following uses: second-floor residential apartments, retail, a bank and a fitness center. None of these proposed uses are permitted uses in the OP/LR zone.

The applicant was deemed incomplete in a letter dated April 16, 2008. The board reviewed Mr. Finelli's letter of May 5, 2008, and stated that the applicant has complied with the majority of the outstanding items. The applicant has requested a waiver from Checklist Item 76, which requires preliminary architectural plans and elevations for each floor of the building or structures, including approximate floor areas, be submitted. The applicant is requesting a waiver from this item for completeness purposes and fully acknowledges that architectural plans would be required in conjunction with a site plan submission if they were successful in securing use variance relief on their application that is before the board.

A letter, dated May 8, 2008, was received from the applicant's planner, John Madden, Maser Consulting, with their request and rationale for the board's consideration of granting the waiver. The letter states that it is premature to provide architectural specifics when Planned Equity does not know the board's preference for such things as architectural style or whether all buildings should be designed with the same façade look. The applicant is asking the board to grant a temporary waiver of preliminary architectural with the condition that if during the course of this application the architectural appearance of the proposed complex becomes a critical decision point as to whether it would grant or deny the application, Planned Equity, with the Board's guidance on its' design preferences, would provide the necessary architectural information. The complete letter is on file.

After discussion, the board wants to see elevations and how the property is going to be utilized and built out.

When discussing COAH, Attorney Drill stated that the COAH obligation is pending a change. Carl Hintz, planner, states in his letter of May 1, 2008, that this proposal will generate a substantial affordable housing obligation. Documentation submitted with the revised application indicates approximately 10 affordable units will be required. The applicant should be prepared to give testimony as to how this obligation will be met.

Ray Buckwalter made a motion, seconded by Robert Vetrecin, that the waiver requested, Item 76, Architecturals, be denied. The vote is as follows:

Page 4
May 8, 2008

IN FAVOR: Babula, Kondas, Schiller, Savino, Vetrecin, Buckwalter, Detore.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

A letter will be sent to the applicant saying that the waiver has been denied and a Resolution will be forthcoming. The applicant remains incomplete until the architectural drawings are submitted. The Procedures, Rules and Regulations of the board stated that at least twenty-one (21) days prior to the date of the meeting, the applicant shall file all documents. A public hearing will not be scheduled until the application is complete. The applicant will have to renotice when a public hearing is scheduled. Once architectural drawings are submitted, the applicant can be deemed complete and a public hearing can be scheduled. Attorney Drill stated that the board should never schedule an application for a hearing until an application has been deemed complete. The chair stated that because of the 21-day rule, if the architectural drawings are submitted, the next possible date would be July 10, 2008.

The chair reminded the board that five (5) affirmative votes are needed for a "d" variance in order to take action. Ray has asked the board members to try and attend all meetings.

Robert Vetrecin made a motion, seconded by Joe Schiller, to adjourn the meeting. Motion carried. Meeting was adjourned by 8:05 p.m.

Elva N. Pomroy
Board of Adjustment Secretary

Ray Buckwalter, Chairman

