

May 14, 2008

The monthly meeting of the Greenwich Township Planning Board was held on the above date and was called to order by Tom Bolger, 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 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.

Board members present: Jim Adams, Elaine Emiliani, Tim Gale, Frank Marchetta, Joseph Schiller, Doris Rayna, Tom Bolger, Charles Stillman, Michael Black. Also present were Michael Finelli, Engineer; Jonathan Drill, Esq.; Lisa Specca, Planner and Steve Balzano. Absent was Helio Carvalho. Deborah Pasquarelli was absent for roll call.

Matzel and Mumford informal discussion. David Fisher, Vice-President of governmental relations, stated that Matzel and Mumford are contract purchasers of Block 26, Lot 33, property behind Greenwich Center. The property is zoned OP/LR and consists of approximately 93 acres and the proposal presented is a Mixed-Use Planned Development and calls for 276 age restricted single-family lots. Lot 2 is approximately 13 acres, which is owned separately, and Matzel and Mumford is not involved directly in that property. The proposed applicant has previously been before the board and the township committee and was present to revisit the issue of adult senior housing one last time to see if there is some interest for active adult senior housing.

Mr. Fisher discussed the merits that some form of senior housing could have for the township. At the present time, this property doesn't generate any revenue to the town. Mr. Fisher feels that some other type of use could generate some immediate revenue to the town and also would create less impact to the town in terms of traffic impacts and the impact to the school is none. Regarding the COAH obligations, the COAH regulations are such that the multipliers dictate a greater number of affordable housing units for 600,000 or 700,000 sq. ft. of office space, upwards to 100 units, as opposed to a plan similar to what is presented that would generate something on the order of 30 or 35 low and

moderate income units, which could be developed on site. Mr. Fisher is requesting input from the board. If there is no need, Matzel and Mumford will go away. They are not going to stay in a contract forever. The contract for the tract expires in June.

Mr. Fisher stated that there are provisions in the new COAH regulations that allow a town, on an inclusionary site, to work out acceptable terms and arrangements for the provision of affordable housing that are mutually acceptable. If that doesn't happen, what the town may be concerned about is the landowner's future plans to either litigate or challenge the zoning and try to force something on the municipality.

Discussing COAH and the questions raised by the board, Mr. Fisher stated that the property is approximately 97 acres. Looking at the property and when you apply the FAR ratio and calculate the number of square footage of professional office that can be built, there would be approximately 614,000 sq. ft. of office space would create the need for 2800 parking spaces. That square footage for lot 33 alone, under the new COAH regulations, would create the need for 107 units. Mr. Fisher stated that if the rules are adopted as is, and there is a 20% obligation, it would be 20% of however many market rate units could get approved. Mr. Fisher is willing to agree to a number much less than 76 homes. If 200 units were agreed upon, it would be 20% of 200 or 40 units of affordable housing. Mr. Fisher stated that Matzel & Mumford is open to alternatives as to the density. The number of Mount Laurel units depends upon the number of market units.

An active adult community would not have any school age children or impact on the schools. The proposed COAH units can be active adult. This can be worked on provided that they can be accommodated within the limits of the new COAH regulations. The COAH units can be integrated within the development. 265, third round numbers, 25% of that figure would be 66 allowable age restricted COAH component in the township. Mr. Fisher stated that if 200 units were built, that number of 66 could be accommodated within the development.

If land was rezoned and senior housing was developed on this property, where would doctor offices and professional offices be located. Tom Bolger stated that usually, when you have an adult housing project, there are doctor offices in the immediate area. Mr. Fisher stated that one area could be on the adjacent 13 acre parcel which is zoned OP/LR.

Once you get an adult community approved and it is filed with DCA Registration and Public Offering Statement and sell one home, you are committed to build age restricted. If that should change, the developer would have to make a request and come back to the planning board.

Since the market has changed, if they are all single family detached, they probably would be in the 1,600, 1,700 to 2,300 square foot range, and probably would have entry prices

starting in the mid \$200,000. The cost of the COAH units would be dictated by the region that we are located in and the number that would have to be earmarked for low income vs. moderate income and the numbers would be set by the State of New Jersey.

With these being detached homes, probably most of them would be built with two-car garages. The smallest model would probably have a one-car garage and there are several models offering two-car garages. The homes, not necessarily, will have basements. The ground would probably dictate slab on grade rather than basements, which most senior communities are. Adequate storage is provided in the garage, above the garage and above the house.

In this area and in Hunterdon, there are fewer active adult communities and envision a healthy demand for senior housing even in years to come.

With senior communities, residents volunteer for emergency services. In most communities, there is a great community spirit among the residents and many of them volunteer for local first aid services. If assistance is needed, the developer has worked with the community to help provide that and that can come in different shapes and forms. The increase demand for first aid is really not that significant.

The age restriction is 55 and older. One occupant, at a minimum, has to be 55 and older. There is a provision in the Fair Housing Act that allows one spouse to be 48 and older if the other spouse is 55 and older. You can't have a child living with you for more than 30 days if they are under the age of 19. The average age of a resident would be in the low 60's.

The recreational component that is being proposed would be a modest size clubhouse, maybe on the order of 5,000 to 7,000 square feet with a variety of rooms for activities. An outdoor pool would be proposed and, possibly, a tennis court and/or other court activities. If the community were smaller than proposed, the recreational component would be scaled back. Homeowners would maintain these facilities. Association fees are always a concern.

Under the law, for private communities, towards the end of construction, the association will engage in a discussion with the township for reimbursement for a portion of snow removal, street lighting and refuse removal. Lawn maintenance, storm water maintenance, recreational facilities would be maintained by the Homeowners Association.

It would not be a gated community because of the expense to maintain and man the gate 24 hours a day. In a rural community like Greenwich Township, it really isn't necessary.

A connection is not proposed to Wyndham Farms, but there could be one. From a traffic distribution, it gives another outlet. The proposed development can function with one main entrance off of Dumont Road. A recommendation was made to have an emergency access connection to the roadway by the school off of Wyndham Farm Boulevard or that could be made into a secondary entrance. Shown on the plans is a separated boulevard entrance.

Matzel and Mumford have their own sales people. They cannot sell to a buyer that doesn't meet the age restrictions. At closing, they need to demonstrate their age. On a resale, the Association makes certain that no one under 18 buys it. There is a deed restriction on the Master Deed, for the entire community, that states that you cannot occupy a home unless you are of that age. Children under 19 can visit, but can't live there.

Regarding the Master Deed, Mr. Fisher stated that he doesn't think that the Association can change the Master Deed. The only way that can be done is to get 100% of all homeowners of the development to agree to the change. In all of Matzel and Mumford's communities, Mr. Fisher has never seen a Master Deed changed or modified. Mr. Fisher is not familiar with the way inheritance works.

As there were no more questions asked, the chair stated that the board has a lot to think about with the information that was provided. COAH is a major issue that has to be thought about. Mr. Fisher stated that the board has to decide how they are going to address this piece of property. Matzel and Mumford could satisfy, not just the obligation from the site, but could also satisfy a greater obligation if the town was interested in that.

Attorney Drill stated that the planning board will have to reach out and see where COAH is going. The planning board, at some point, will come back to see whether or not they want to make any recommendation to the township committee about the proposal. Until things settle with COAH, it wouldn't be smart of the township committee or the board to come up with some plan. Mr. Fisher stated that the contract for the tract expires in June. It remains to be seen whether the company will seek an extension or opt to terminate it. There was no action taken by the board on the presentation

NJPO Award. Deborah Pasquarelli was awarded the 2008 Achievement in New Jersey Planning for leadership in land use, growth management and open space preservation.

Ordinance 2008-09 amending Chapter XVII, regarding Land Use application, Review and Inspection Fees. The Township Committee had first reading and the Use Variance escrow fee was introduced at \$5,000.00. Upon review, a motion was made by Doris Rayna, seconded by Elaine Emiliani, to make a recommendation to the township

committee that the fee be increased to \$7,500.00 and is consistent with the Master Plan. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Draft Revised Land Use Application, Review and Inspection Fees Ordinance. This draft was prepared by Peter Jost, Esq., Township Attorney and has not been introduced on first reading by the township committee. After discussion, Frank Marchetta made a motion, seconded by Deborah Pasquarelli, that the board not act upon the draft ordinance until the township committee has first reading on the ordinance. The vote is a follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Farmland Preservation Plan Revisions. Lisa Specca stated that the SADC, which administers the Farmland Preservation program, made several pages of comments to the plan that was submitted in December. The schedule is as follows: at the May 22 SADC meeting, conditional approval of the plan will be granted. There may be additional comments that the SADC wants added to the plan. Once it meets the approval of the SADC there will be final approval of the Farmland Preservation Plan. After conditional approval is granted on May 22, should the township have a farm that they want to have in the PIG program, applications will be accepted under conditional approval. Allocation of funding will not be granted until the plan has been completely corrected to SADC standards. There is funding available through 2009.

Regarding the changes in the Farmland Preservation Plan, the bulk of the revisions to the plan are generally corrections and clarifications, with the exception of the following new sections and maps:

- Highlands policy language which the Mayor drafted for inclusion.
- A new Greenwich specific Highlands map.
- Goals toward sustainability of the agricultural industry and conservation of natural resources.

- Regional mapping of open space/greenways connections.
- A clear Warren County ADA map for lands in Greenwich.

Several charts in the plan needed amending and corrections, data added and the Ag Committee was very instrumental in helping with this data.

A slide presentation on the mapping was presented.

Doris Rayna made a motion, seconded by James Adams, to schedule a public hearing on June 11, 2008 for the Farmland Preservation Plan. The vote was taken with an affirmative “aye” vote.

Highlands Act. Steve Balzano stated that the Highlands Act divided the region into two areas, which are the preservation area and planning area. The township has very little in the preservation area. The preservation area is, essentially, a none development area. The Highlands Council developed a zone map for the entire highlands region, including both the planning area and preservation area. They further divided the highlands into three basic zones: the Protection Zone, the Conservation Zone and the existing Community Zone. Those three zones occur in the planning and preservation area. Natural resource constraints defined those zones, but spills into all zones. The Highlands defined environmental constrained sub zones within each of the three primary zones of the highlands region. The Conservation Zone shown is predominately agricultural area that is environmental constrained sub-zone, which means it has one or more natural resource value. The New Jersey Highlands Land Use Capability Zone Map shown is not complete in terms of defining environmental constraints. The only non-constrained area in the Conservation Zone of the planning area of Greenwich is the Pohatcong Stream because all streams were not incorporated as an environmental constrained layer. The Conservation Zone is compatible to the township’s RCD zone.

COAH Vacant Land Maps – letter from Warren County. A letter was received from David Dech, Planning Director, requesting Greenwich to review the maps for Greenwich and, if warranted, express concerns in writing to the Council on Affordable Housing. Attorney Drill stated that the planning board doesn’t have to do anything about the request. The planning board should refer this to the township committee because they have a group working on the COAH issues. Attorney Drill stated that the township committee sent a letter to COAH commenting on the last version of the rules and Mr. Balzano headed that group. Lisa Specca spoke with David Dech and stated that the map came out one week before the end of the comment period. The map was not available for comment in a timely fashion to COAH. Steve Balzano stated that the planning board shouldn’t do anything with the map. The map received is old and has no affect.

N.J. Planning Officials Seminar Municipal “Growth Share” Tips. Tom Bolger had received the above and forwarded to the board. Tom requested that all township professionals receive this letter from Mason, Griffin & Pierson.

Highlands Initial Assessment Grant. A letter was received from Carl Hintz, Planner, stating that Greenwich Township would be eligible for \$15,000 since a portion of the township is in the Preservation Area. This money is to do an assessment of the township’s Master Plan for consistency with the Highlands Regional Master Plan and to determine what, if any, factual changes the RMP is in need of in order to accurately reflect the township. The grant is, basically, an investigation grant. This money is not the money to revise the Master Plan. Another grant should be forthcoming to help with the technical work. Steve Balzano stated that there is a timing issue and recommend that the planning board pursue this. The scope of the types of services that the Highlands Council is looking for cannot be covered under the grant amount. The grant proposal would have to be very narrowly defined into those services that could be easily provided by the board’s professionals within the limitations of the grant, which is \$15,000. The three recommendations that Steve has is:

1. Review of the Land Use Capability map to become familiar with where the zones are and whether or not there is information that the township planning board can offer factually, where there are errors in the map.
2. Review the goals, policies and objectives of the plan. First step in plan conformance is to adopt those goals, policies and objectives into the township’s master plan.
3. As a result of the review of the goals, policies and objectives, what is a work plan leading to a thorough evaluation of the master plan. What is the cost, how much time and what is priority of things to look at.

The grant has to be done in a three (3) month period. The timing is critical because the board really shouldn’t start reviewing the goals, policies and objectives of the plan until the plan is adopted. Lisa Specca is in agreement with the above three items. Lisa stated that she will limit the research and amount of work to keep in the scope of the monies. The grant money will be split between Steve and Lisa. Michael Finell will have some input. Steve stated that there is no rush to get the grant. They are not adopting the plan until July. A proposal will be put together and will be submitted.

Elaine Emiliani made a motion, seconded by Frank Marchetta, to enable the board’s three (3) professionals, Steve Balzano, Lisa Specca and Michael Finelli, to put together a scope document regarding reviewing the Land Use Capability Map to correct errors in the map, to review the goals, policies and objectives and what would the work plan be to do a thorough update of the Master Plan. The proposal will be presented at the June meeting.

The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Doris Rayna stated that a warehouse concept was presented to the board last month and questioned what can be stored in warehouses and can the township control what is being stored. The proposal is close to a school and residential area.

COAH. COAH projected obligation is 265 affordable units. Growth allocation obligation is 945 residential units and 243 jobs. The growth share is based upon one to five on a housing basis and one to sixteen on a job basis, which means the 295 housing units' results in 229 affordable housing obligation and the 243 jobs would result in affordable housing obligation of 15, for a total affordable housing obligation of 244.

Tom Bolger stated that from the State the township is supposed to grow the town by 945 residential units. From the State, the township is supposed to build non-residential and generate 243 jobs. Based on generating 243 jobs, our COAH obligation would be 15 additional COAH units. Time frame is 2018. 189 COAH units for 945 houses, 15 COAH units for 243 jobs for a total of 204 COAH houses, 51 of those houses can be age restricted.

Attorney Drill stated that if Matzel and Mumford were allowed to build 200 active adult homes, they would take care of their 40 homes on their site and then, if the township was amenable to rezone, they also would take some unspecified amount of the township's other obligation.

Tom Bolger stated that of the 204 units, how many of those have to be low income and how many of those have to be moderate income. Attorney Drill stated that approximately half. It equates to about 50/50, could be more or could be less. The price of the low and moderate units are based on the region and based upon the number of bedrooms. Lisa Specca will forward a chart to the chair for his review.

Steve Balzano stated that the proposed revised rules change the growth allocation so it changes the obligations of the town. What generally happens, the housing numbers go down slightly, the growth numbers go up slightly and the net difference is about a 10% reduction.

Attorney Drill asked the board what do they want to do regarding the presentation made by Matzel and Mumford. The chair stated that a lot of information was gathered and will be on the tape and in the meeting minutes. The chair stated that he would like a motion to send the May 14, 2008 minutes to the township committee and inform them that this is what the developer has said. The township committee sent Matzel and Mumford to the planning board and the board asked a lot of questions and information was provided on how Matzel and Mumford would implement if they were granted a zone change to be able to do their project. The Mayor stated that she would be looking forward into how the town is going to approach the COAH obligations that have been set forth and have been changed over and over again.

Jim Adams made the motion, Elaine Emiliani, to forward the May 14, 2008 minutes to the township committee understanding that the planning board did what they wanted and listened to Matzel and Mumford and what steps does the township committee want the planning board to take next. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P:L: 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is possible COAH Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public when a decision has been rendered.

Elaine Emiliani made a motion, seconded by Deborah Pasquarelli, to move into Executive Session. The vote is as follows:

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IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Doris Rayna made a motion, seconded by Jim Adams, to move out of Executive Session.
The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Elaine Emiliani made a motion, seconded by Jim Adams, to adjourn the meeting. Motion
carried. Meeting adjourned at 10:05 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman