

June 11, 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, Helio Carvalho, Tim Gale, Joseph Schiller, Doris Rayna, Tom Bolger, Michael Black. Also present were Michael Finelli, Engineer; Jonathan Drill, Esq.; Lisa Specca, Planner and Steve Balzano. Absent was Frank Marchetta and Charles Stillman. Deborah Pasquarelli arrived 7:35 p.m. and Elaine Emiliani arrived 7:50 p.m.

Mansions at Allamuchy, Inc. Kevin Hahn, Esq. requested an adjournment to the July meeting. Jim Adams made a motion, seconded by Doris Rayna, to adjourn the Concept Plan review for Mansions at Allamuchy to the July meeting. The vote is as follows:

IN FAVOR: Adams, Carvalho, Gale, Schiller, Rayna, Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Highlands Council Planning Assistance Grant Application. The Highlands just released Initial Assessment Grants. Greenwich Township would be eligible for \$15,000 since a portion of the Township is in the Preservation Area. The grant provides funding for the following activities:

- Assess the Township’s planning program for consistency with the Highlands RMP.
- Determine what, if any, factual changes the RMP is in need of in order to accurately reflect the Township.
- Determine whether the Township wants to achieve basic or full plan conformance.
- Determine what changes to the Township’s planning program are needed to achieve Basic or Full Plan Conformance.
- Prepare documents necessary to achieve Basic or Full Plan Conformance – the extent possible based on the budget.
- Determine a cost estimate to achieve Basic or full Plan Conformance.

Additional money will be available for achieving Basic or Full Plan Conformance. This funding is intended to help the municipalities evaluate the RMP and begin the conformance process.

Steve Balzano stated that the work performed under this grant shall be conducted by a Highlands Task Force to be established by the Township Committee. The Task Force will include representatives of the Township Committee, Planning Board and various other Township Boards and Commissions. The Task Force will utilize various township professionals in performing the work under this grant to assist in the review of the Township’s consistency with the RMP and how the RMP should be updated through mapping amendments or revisions to the goals, Policies, Objectives to accurately reflect Greenwich Township.

The grant period is for 3 months. Deliverables will have to be submitted within 3 months of receiving the grant. The project cost breakdown is as follows:

- | | |
|----------------------|----------|
| • RMP Updates: | \$ 5,000 |
| • Comparison Report: | 7,000 |
| • Program Changes: | 3,000 |

Tim Gale made a motion, seconded by Helio Carvalho, to recommend to the Township Committee that they should establish a Highlands Task force to process the Grant Application. The vote is as follows:

IN FAVOR: Adams, Carvalho, Gale, Pasquarelli, Schiller, Rayna, Bolger,
Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

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Doris Rayna made a motion, seconded by Jim Adams, to adopt the minutes of the April 9, 2008 meeting. The vote is as follows:

IN FAVOR: Adams, Gale, Pasquarelli, Schiller, Rayna, Bolger,
Black.
OPPOSED: None.
ABSTAINED: Carvalho.

Motion carried.

Jim Adams made a motion, seconded by Doris Rayna, to adopt the minutes of the May 14, 2008 meeting. The vote is as follows:

IN FAVOR: Adams, Gale, Pasquarelli, Schiller, Rayna, Bolger,
Black.
OPPOSED: None.
ABSTAINED: Carvalho.

Motion carried.

Farmland Preservation Plan Public Hearing. Tim Gale made a motion, seconded by Joe Schiller, to open the public hearing. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Lisa Specca, Planner, reviewed the plan with the board and the public. The plan contains the first revisions per SADC comments. The plan is categorized into the following eight (8) general categories:

- Greenwich Township's Agricultural Land Base
- Greenwich Agricultural Industry
- Land Use Planning
- Greenwich Township's Plan to Preserve Farmland
- Future Farmland Preservation Program
- Economic Development
- Natural Resource Conservation
- Agricultural Industry Sustainability, retention and promotion

This Farmland Preservation Plan element seeks to set forth goals, objectives, policies and strategies for farmland preservation in Greenwich Township. A Farmland Preservation Plan element shall include:

- An inventory of farm properties in the entire municipality and a map illustrating significant areas of agricultural lands.
- A detailed statement showing that municipal plans and ordinances support and promote agriculture as a business.
- A plan for preserving as much farmland as possible in the short-term by leveraging monies made available by the Garden State Preservation Trust Act.

The Township Agricultural Advisory Committee, AAC, was formed and is assisted by the consulting services of Morris Land conservancy to assist with farmland/landowner outreach and land preservation negotiations. The AAC vision for agriculture in Greenwich Township is to strive to maintain its agricultural heritage and farming tradition through farmland preservation and support for agricultural viability. The Township strives to insure that the agricultural landscape continues to be a working landscape by strengthening Right to Farm, developing strategies to assist agriculture where possible and encouraging new forms of viable agriculture. The Township strives to retain current farming operations and attract new farmers and farming businesses to the community. The Township desires to coordinate open space acquisition with farmland preservation planning in order to best protect the valuable water and other natural resources of the Township.

A map entitled Greenwich Township Farmland and Open Space Zoning Overlay Plan was shown and depicted the following:

- Preserved Farmland properties
- Targeted Farmland Properties for Preservation
- Properties preserved through Green Acres Program
- Targeted properties to be preserved through Green Acres Program
- Property owned by the State of New Jersey
- Property owned by Warren County
- Municipally owned property
- Farm qualified tax lot
- Sewer Service Areas

Properties preserved through Green Acres Program;	266 acres
Targeted properties to be preserved through	
Green Acres Program:	143 acres
Existing Preserved Farmland:	510 acres
Targeted Farmland properties for Preservation:	1,079 acres

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Chairman Bolger addressed the public for their comments. Upon hearing none, Elaine Emiliani made a motion, seconded by Jim Adams, to close the public hearing. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Elaine Emiliani made a motion, seconded by Jim Adams, to adopt the Farmland Preservation Plan, dated April 28, 2008, and adopt the Resolution amending the Greenwich Township Master Plan and adopting the Farmland Preservation Plan as an element of the Greenwich Township Master Plan. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Conceptual Review of Stewartville Postal Properties. Dennis J. Francis, Esq. presented the concept plan to the board. The following were sworn in: Jeff Hahn, Postmaster; Bill Faustini, Contractor; Ian Hill, Site Engineer; Yong Chyun, Architect. The property is located on 732 Route 57, Block 3, Lot 2, property consisting of 41 acres. A 3,000 square foot United States Post Office is proposed to be built on the subject property.

A letter was received from Attorney Francis giving a synopsis of cases from both the State and Federal Courts which unequivocally states that the United States Postal Service, when constructing a post office, is immune from local zoning ordinances.

Jeff Hahn, Postmaster, stated that the current facility is unsuitable and we have been trying to get a new facility for the past 10 or 12 years. There is limited parking with safety issues and the employees work in less than ideal conditions. The proposed facility is a 3,000 square foot facility, similar to the facility in Hampton, N.J. The post office will lease the building and will be built on approximately 2 ½ acres of the 41 acre site. The new facility is approximately 300 feet from the existing building.

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Ian Hill, Site Engineer, stated that the property is located in two zones. The front of the property is zoned B-1. The rear of the property is in the R-7 zone. The chair corrected Mr. Hill and informed him that the rear of the property is in the Highlands Preservation Area (HPA). The chair stated that because the property is located in the HPA, building is greatly restricted. The U.S. Government is only leasing the building on that property so the chair is concerned about what happens to that building once the U.S. Government is no longer leasing that building. Now a building is put in the HPA. If there was a regular developer coming in, they probably wouldn't be able to put a building on that site. The chair is concerned about what happens post post office. Attorney Francis stated that he doesn't know the answer to that question, but it does not limit the ability to build the facility. The chair's question was a good question, but Attorney Francis stated that it is irrelevant.

Attorney Drill stated that if the post office decides, at the end of the lease, that it no longer wants to lease the building, it is possible that since the building is in the Highlands Preservation Area, that you might have to tear it down.

Bill Faustini, owner of the property, has been working on the project for more than three years. His company contracts with the U.S. Post Office and has built hundreds of post offices. Mr. Faustini's company bought the land, will construct the post office and lease it to the postal service for a minimum of 15 years, with the opportunity to extend the arrangement to 35 years. If the post office moves out in 15, 20 or 35 years and that building had to be removed, so be it. Mr. Faustini's investment is based on a 15 year base term lease. When the lease is up and the post office doesn't want to renew the lease, if the building has to be removed, it will be removed. This site offers the postal service the ability to expand. The building will only be using 1 acre. It is geared up to accommodate growth in the future. The remainder of the property is planted with corn and will remain farmland and will stay preserved forever. Chairman Bolger stated that if the developer had to adhere to the Highlands guidelines, as opposed to the U.S. Government, it would be a totally different conversation. Since the U.S. Government isn't purchasing the property or the building, the question has to be asked what happens post lease. Mr. Faustini stated that the U.S. Government does have the option to purchase the building. Mr. Faustini stated that he purchased the property from John Hawyrlo.

Mr. Finelli stated that he will need to secure an exemption from the Highlands. Mr. Faustini stated that he is 100% sure that he will get an exemption from the Highlands and will be able to build. A courtesy copy of the plans will be sent to the Highlands and answer all questions. Mr. Faustini is not planning on applying for an exemption. Attorney Drill stated that issue is not a planning board matter.

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Mr. Finelli stated that when this building gets built, this building is not going anywhere unless there is a proviso in the lease specific to that point. Mr. Finelli stated that 35 years from now, he doesn't foresee that this building be torn down because it was in the Highlands when it was built in 2008. If this is a concern of the board, it should be incorporated in the lease. Attorney Drill stated that the post office is not hear asking for any approval from the board. There is a signed lease already and the post office is here as a courtesy to tell the board and public of their plans. No approval from the board is needed. Mr. Faustini stated that if the post office leaves, variances will be needed to operate the building.

Deb Pasquarelli stated that she is very supportive of a post office and has spoken to chief council of the Highlands and was advised that it is not a certainty that the post office is exempt from the State law. These issues should be resolved before construction commences. When asked if the property will be subdivided, Mr. Hill stated that they have no plans to subdivide the property.

Yong Chyun, Architect, testified that, for safety reasons, parking will be separate from the postal workers and the customers. The site will have 40 parking spots with 17 spots for customers and 23 for the workers. The post office has a standard policy of 9 x 18 foot spaces. The front area is for customer parking and a fenced area will be for the workers. All loading will be behind the fenced area. Board members expressed concern with 9 x 18 foot parking spaces being too narrow for most cars, just in the customer parking area. The Board requested the site be redesigned slightly to increase each space 6 inches. Mr. Chyun stated he will make it work.

A standard illuminated sign of 30 inches long, meeting all post office requirements, will be erected. Sign will be internally illuminated and low to the ground. The sign is 4 feet high and in a rectangular box. It is lit all night long. There will be one free standing sign located on Route 57.

Lisa Specca, Township Planner, reviewed her letter of June 12, 2008 and suggested that the parking area be screened from adjacent residential uses and the road frontage by a 5 foot wide double row of evergreen shrubs planted on top and sides of the berm between the parking area and Route 57. The screen should be of sufficient height and density to obscure the parking area from view.

The lighting specs were discussed and Mr. Faustini stated that he will reduce the site lighting according to ordinance.

The chair requested that Mr. Faustini discuss the plan with the township's professionals to get their input on the township ordinances prior to construction.

There were no comments received from the public.

Polaris Retail Center, Block 25, Lot 2, Route 519, Minor Site Plan, Completeness Determination. Representing the applicant was Kevin Hahn, Esq. The applicant intends to use a phased approach towards retrofitting the building to convert it to a small retail center. In Phase I, the applicant proposes to make internal modifications to 11,400 sq. ft. of the existing building converting it into a restaurant, consisting of 3,000 sq. ft. and general retail space of 8,400 sq. ft.

The application has been reviewed for completeness only. A initial completeness review was done by Michael Finelli, PE and based upon his report of June 6, 2008, Mr. Finelli stated that the applicant has complied with the majority of applicable checklist items. The applicant requests a waiver from Checklist Item 44 (wetlands delineation).

The applicant has not complied with checklist item #67, which deals with signage, and Attorney Hahn has requested that when the applicant comes back with Phase 2, the signage will be addressed. The applicant has agreed to supply the following:

- Checklist Item #5: List of the LLC's owners names and their addresses
- Checklist Item #41: An updated list of property owners within 200 ft.

After discussion and based upon Mr. Finelli's recommendation, Elaine Emiliani made a motion, seconded by Jim Adams, to grant a temporary waiver from Checklist Item #44 and the signage (checklist item #67) is to be submitted before a public hearing is held and the Minor Site Plan application is deemed complete. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna, Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Deborah Pasquarelli made a motion, seconded by Elaine Emiliani, to schedule a public hearing for July 9, 2008 for Polaris Retail Center, Minor Site Plan. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna, Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

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Draft Fee Ordinance. A referral was received from the township committee for the planning board to review a draft ordinance amending Chapter XVII, Land Use Application, Review and Inspection Fees. After briefly discussing the draft, Debbie Pasquarelli made a motion, seconded by Jim Adams, to table further review of the ordinance until Michael Finelli, PE and Peter Jost, Township Attorney, get together to further discuss the fees. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Matzel and Mumford correspondence. A letter, dated June 11, 2008, was sent to the Mayor and Township Committee regarding Matzel and Mumford presentation, Block 26, Lots 2 and 33. The chair read the letter and stated that the planning board listened to the presentation, as requested by the Township Committee, and asked a ton of questions, answers were received from Matzel and Mumford, and that information was fully documented in the May 14, 2008 meeting minutes. The only unanswered question has to do with the COAH obligation and Attorney Drill stated that because of that unanswered question, the planning board couldn't make a recommendation.

Post Office – Board discussion. Tom Bolger stated that the proposed post office raises an issue regarding COAH and will building the post office affect the township's COAH obligation. Lisa Specca stated that the Development Fee/Impact fees could come from the owner of the property. Attorney Drill stated that the letter that Attorney Francis wrote clearly states that the cases cited in his letter clearly show that the United States Postal Services does not have to comply with local zoning ordinance due to the Supremacy Clause of the United States Constitution.

Debbie Pasquarelli made a motion, seconded by Helio Carvalho, to make a recommendation to the Township Committee to have a transcript prepared for the post office discussion portion of the meeting. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Correspondence. A public hearing on the 2008 Open Space Plan will be held by the Warren County Planning Board on June 30, 2008 at 8:00 p.m. in the Freeholders' Meeting Room. Doris Rayna, Dawn Marie Kondas, representing the Agricultural Board, and Elaine Emiliani will look into this, and the Agricultural Board will review the document and attend the meeting. Doris Rayna made a motion, seconded by Jim Adams, that the Agricultural Board, along with Lisa Specca, review the document to make sure that the lots and blocks are correct and be instructed to attend the meeting. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Elaine Emiliani made a motion, seconded by Jim Adams, to amend the motion that Lisa Specca, Planner, attend the meeting, only if necessary, based upon their review. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna,
Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

A subcommittee for the Highlands will be named. If no one volunteers, Tom Bolger stated that he will make appointments.

The chair requested that board members please notify the board secretary if you are going to be absent from a meeting.

Jim Adams made a motion, seconded by Helio Carvalho, to adjourn the meeting. Motion carried. Meeting adjourned at 9:45 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman

