

September 10, 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, Elaine Emiliani, Tim Gale, Frank Marchetta, Joseph Schiller, Doris Rayna, Tom Bolger, Charles Stillman and Michael Black. Also present were Michael Finelli, Engineer; Jonathan Drill, Esq.; Carl Hintz, Planner and Steve Balzano. Absent was Deborah Pasquarelli.

Joe Schiller made a motion, seconded by Jim Adams, to adopt the minutes of the June 11, 2008 minutes. The vote is as follows:

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

Motion carried.

Doris Rayna made a motion, seconded by Tim Gale, to adopt the minutes of the July 9, 2008 minutes. The vote is as follows:

IN FAVOR: Carvalho, Emiliani, Gale, Schiller, Rayna, Black.
OPPOSED: None.
ABSTAINED: Adams, Marchetta, Stillman.

Motion carried.

Farmland Preservation Plan update. Dawn Marie Kondas, Open Space/Agricultural board, was present and stated that Greenwich Township is planning to amend its Planning

Incentive Grant (PIG) to include additional farmland numbers. Ten (10) additional farms will be included. This would be an amendment to the Farmland PIG application, not an addition or change to the Farmland Preservation Plan. The total amount of acreage is 1,832. In order to preserve the additional farms, they had to be on the list. September 15, 2008 is the deadline to submit any additional targeted farms to the existing target list reflected in Farmland Preservation Plan. A letter will be sent to the county and they will send it to the State. Ms. Kondas stated that an e-mail was sent to the township clerk with instructions.

Charles Stillman made a motion, seconded by Tim Gale, to recommend to the Township Committee that a letter be sent to the County with the additional farmland numbers. The vote is as follows:

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

Motion carried.

Polaris Minor Site Plan Resolution. Resolution granting Minor Site Plan approval, with variances, to permit the re-use and conversion of the former Superior Quartz Products facility to the Polaris Retail Center, Phase 1, Block 25, Lot 2, was reviewed as to its form and accuracy. Upon review, Elaine Emiliani made a motion, seconded by Jim Adams, to adopt the Resolution as amended. The vote is as follows:

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

Motion carried.

Mansions at Allamuchy Development. Elaine Emiliani recused herself from discussion. Representing Mansions at Allamuchy were Michael Selvaggi, Esq., Gerry Philkill, PE. and Mr. Dominques.

Attorney Selvaggi gave the history of the project by stating that when the application was originally approved in 2006, the plan required access into the property from South Main Street. The internal development roadway network also included partial development of Oberly Street and the Master Plan indicated that Oberly Street was to connect Greenwich Street with South Main Street, thereby serving as the bypass around the Village of Stewartsville. Mr. Finelli stated that the road was required to be constructed to 50 feet

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from Greenwich Street in lieu of any contribution. The prospective buyers would be told that would be a through road.

Attorney Selvaggi stated that the applicant would need to secure a hardship waiver from the New Jersey Department of Environmental Protection because of the proposed road's encroachment in a special Water Resource Protection Area along South Main Street. Mansions was informed that they were not eligible for the hardship waiver because they did have a possible alternate access into the property via the Oberly Street/Greenwich Street connection.

The matter was brought before the Board of Adjustment on August 14, 2008 to present this special question because the applicant doesn't feel it is an amendment to the application. The special question is it a new application or an amendment to the application because of the change of connection coming from Oberly Street and not from South Main Street. During the course of discussion, it was suggested that the applicant appear before the township committee to request that they vacate Oberly Street.

Attorney Selvaggi has ordered a title search on the status of Oberly Street. The searcher still doesn't know what the status is. Oberly Street does show up on the tax map and is on the Master Plan.

The applicant did appear before the township committee but was sent back to the planning board because the question was raised about whether Oberly Street was, in fact, ever dedicated to the Township and was in conflict with the township's circulation plan.

The issue before the board is would the township make a recommendation to vacate the road and would it be consistent with the Master Plan. The developer is requesting to make it consistent with the Master Plan, requiring an amendment to the Master Plan. The chair stated that the intention of the planning board was to make it a through street to Greenwich Street. Attorney Selvaggi stated that a bypass around the village of Stewartville, from a planning prospective, would be a smart move. It was not required that the developer connect to Greenwich Street. Mr. Finelli stated that it was required that the road be constructed to a point within 50 feet of Greenwich Street.

Carl Hintz, Planner, stated that the current master plan calls for this Oberly Street connection. The purpose of this bypass road would be to serve the residents of Greenwich Township on both sides of Greenwich Street and reduce traffic in the center of town. Oberly Street is an integral part of the proposed bypass road around Stewartville. The vacation of Oberly Street would therefore appear to be inconsistent with the 2002 Circulation Plan Element of the Master Plan.

The chair stated that the planning board needs to make a determination whether vacating Oberly Street would be consistent or inconsistent with the master plan.

If the township vacates Oberly Street, then the applicant may be eligible for the hardship waiver to connect the subdivision to South Main Street.

Attorney Drill stated that if the planning board finds by using Oberly Street and not South Main Street access a substantial change, the applicant would have to come in for a new preliminary major subdivision application and comply with the current zoning.

Attorney Selvaggi stated that if the board finds that it is a substantial change, it has to be treated as a new application and new local regulations kick in and the density for the project is dramatically reduced. If the applicant doesn't file the Final subdivision application, the applicant, probably, would go back before the Board of Adjustment for an interpretation or special question.

Jim Adams stated that he doesn't feel the board can achieve the intent of the master plan with this project because the intent was to have that by-pass. This was the only by-pass that made sense.

After further discussion, Doris Rayna made a motion, seconded by Jim Adams, finding that the vacation of Oberly Road is inconsistent with the Circulation Plan Element of the Master Plan. The vote is as follows:

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

Motion carried. Frank Marchetta was not present during the Mansions discussion. Therefore, he was not eligible to vote.

Jim Adams made a motion, seconded by Doris Rayna, that a recommendation be made to the township committee that Oberly Street not be vacated. The vote is as follows:

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

Motion carried. Frank Marchetta was not present during the Mansions discussion. Therefore, he was not eligible to vote.

At this point, the meeting was chaired by Doris Rayna, Vice-chairwoman.

Ordinance 2008-15, Highlands Preservation Area Zoning District and Ordinance 2008-16, Checklist for Development Applications. Steve Balzano reviewed ordinance 2008-15 which list the permitted uses in the RCD Zone. The density and the uses are consistent with the RCD Zone. Ordinance 2008-16, proposes an addition to the checklist which states that the applicant must demonstrate that any development application is consistent with the highlands Water Protection and Planning Act.

Carl Hintz, Planner, stated that the proposed HPA zone density and development regulations exactly mirror the RCD standards which permit 1 unit per 20 acres of conventional development and an optional lot size averaging provision which permits 2 acre minimum lots with an overall density of 1 unit per 10 acres including an 80% mandatory open space set aside and maximum impervious surface percentage of 5%. The proposed zone density is consistent with the Master Plan.

Tim Gale made a motion, seconded by Charles Stillman, that Ordinance 2008-15 and 2008-16 are consistent with the Master Plan and recommends their adoption to the township committee. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Schiller, Rayna, Stillman, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Ordinance 2008-13, Land Use Application, Review and Inspection Fees. Upon review, Jim Adams made a motion, seconded by Helio Carvalho, that Ordinance 2008-13 is not inconsistent with the Master Plan and recommends its adoption to the township committee. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Schiller, Rayna, Stillman, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Ordinance 2008-17, amending the definition of “Special Event Sign”. Doris Rayna stated that the Historical Commission wants to put up signs/flags on the telephone poles, but under the new sign ordinance, the signs/flags would not be permitted unless the ordinance is amended to permit it. The amended sign ordinance, prepared by township attorney, would permit them but the amended ordinances stated that temporary special event signs may be displayed for a period not to exceed one month. Doris Rayna, a

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member of the Commission, stated that one month is too short a period. It wouldn't pay the commission to put up the signs for only one month. There will be no advertisement on the signs/flags.

After discussion, a motion was made by Helio Carvalho, seconded by Frank Marchetta, to recommend to the township committee that the ordinance be amended to read one year rather than one month and for the commission to re-approach the committee every year. The board also finds that this ordinance is not inconsistent with the Master Plan. The recommendation will be reviewed by township professionals. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Schiller,
Rayna, Stillman, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Jim Adams made a motion, seconded by Tim Gale, to adjourn the meeting. Motion carried. Meeting adjourned at 9:10 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger, Chairman

Doris F. Rayna, Vice-Chairwoman

