

December 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, Elaine Emiliani, Helio Carvalho, Tim Gale, Deborah Pasquarelli, Joseph Schiller, Charles Stillman, Michael Black, Doris Rayna, and Tom Bolger. Also present were Michael Finelli, Engineer, Carl Hintz, Planner, and Jonathan Drill, Esq.

Charles Stillman made a motion, second by Tim Gale, to adopt the minutes of the November 12, 2008 meeting. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Deborah Pasquarelli, Joseph Schiller, Rayna, Bolger, Black, and Stillman.
OPPOSED: None.
ABSTAINED: Tim Gale.

Motion carried.

WHEREAS, N.J.S.A. 10:4-12 (the open public Meetings Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such a matter, specifically an attorney-client privilege matter concerning COAH's Scarce Resource Restraint entered on November 12, 2008;

WHEREAS, this Board believes the public should be excluded from that discussion;

NOW, THEREFORE, be it resolved by the Greenwich Township Planning Board on this 10th day of December, 2008, that the Board now go into closed session and the public be excluded and that the Board believes that the discussion conducted in the closed session may be disclosed to the public after the township obtains substantive certification from COAH and after the board otherwise determines to disclose the minutes to the public.

Jim Adams made the Motion, seconded by Doris Rayna, to adopt the above Resolution. The above Resolution was approved on the 10th day of December 2008, by the following vote of the members of the Board:

AYES: Adams, Carvalho, Emiliani, Gale, Pasquarelli, Schiller, Rayna, Bolger, Stillman.
NAYES: None.
ATTEST: None.

Motion carried.

Doris Rayna made a motion, seconded by Tim Gale, to come out of Executive Session and move into regular session. The vote is as follows:

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

Motion carried.

The board has determined that the board must hear and process applications for development but any approvals and/or actions, must include the following three conditions to ensure that the boards actions on the application do not jeopardize the township's position before COAH;

1. The within action is subject to COAH removing the scarce resource restraint on municipal actions associated with development approvals and/or COAH granting a waiver or exempting the property from the scarce resource restraint and/or the Highlands Council granting a waiver or exempting the property from the scarce resource restraint.

2. The within action shall not be deemed to grant any vested rights, including those rights granted by N.J.S.A. 40:55D-49a, until and unless condition #1 above has been satisfied.
3. The within action shall be null and void as of the date of the action in the event that COAH subsequently indicates that it will revoke the township's substantive certification and/or remove the township from its jurisdiction based on the action that was taken.

A motion was made by Charles Stillman, seconded by Elaine Emiliani, to have the board handle all action it takes on applications in this matter until the scarce resource restraint is rescinded. The vote is as follows:

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

Motion carried.

Deborah Pasquarelli made a motion, seconded by Elaine Emiliani, stating that the minutes of the closed session are to be released when the portion of the open meeting minutes are done so that any applicant or anyone in the public can read the three conditions and the reasoning for the conditions.

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

Motion carried.

Doris Rayna made a motion, seconded by Helio Carvalho, to approve the November 12, 2008 Closed Session minutes, but not release them. The vote is as follows:

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

Motion carried.

Master Plan Amendment Public Hearing. Deborah Pasquarelli made a motion, seconded by Jim Adams, to open the public hearing. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Pasquarelli, Schiller,

Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: Gale.

Motion carried.

The proposed Master Plan amendment is for Municipal Government Facilities and is situated on Greenwich Street, Block 26, Lot 7. Tom Bolger, Chairman, addressed the public for any comments. Upon hearing none, Joe Schiller made a motion, seconded by Helio Carvalho, to close the public hearing. The motion carried with affirmative “aye” votes.

Deborah Pasquarelli made a motion, seconded by Elaine Emiliani, to adopt the Master Plan amendment and zoning amendment for Municipal Government Facilities. Discussion on the motion: side yard and rear yard setbacks in proximity to existing residential properties. Carl Hintz, Planner, stated that the setback ordinance will be reviewed by the governing body and then it will be sent back to the planning board. At this point in time, the setbacks are not being proposed. The only thing being proposed is that the minimum lot size is 2 acres and the maximum coverage would be 65%. The property consists of 4.55 acres. Attorney Drill stated that the public hearing is for the Master Plan amendment only.

Vote on the motion:

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

Motion carried.

Application #249-08, Polaris Retail Center, Block 25, Lot 2, Route 519, Preliminary and Final Site Plan, Initial Completeness Determination only.

Michael Finelli, PE, prepared a report on Completeness review for Preliminary only. The applicant has complied with the majority of applicable checklist items, but based upon the lack of submission of Checklist Items #73 and #76, Mr. Finelli recommends that both the Preliminary and Final Site Plan application be deemed incomplete. Based upon Mr. Finelli’s recommendation, Doris Rayna made a motion, seconded by Jim Adams, to deem Polaris Retail Center, Preliminary and Final Site Plan, incomplete. Discussion was held on the waivers being requested. Doris Rayna withdrew her motion, seconded by Jim Adams. Doris Rayna made a motion, deem both preliminary and final site plan application incomplete and deny the applicant’s request for completeness submission waivers from checklist items #37, 44, 85, 96, 73, 76 and 78. The vote is as follows:

IN FAVOR: Adams, Carvalho, Gale, Emiliani, Pasquarelli, Schiller,

Rayna, Bolger, Stillman.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Highlands Regional Master Plan Conformance Process outline. This outline was prepared by Carl Hintz and Lisa Specca, Planners, and indicates the various reports and studies involved, as well as the deadlines. Elaine Emiliani stated that the township has to show the intent to conform. The township committee and planning board will be working together, but, ultimately, the township committee will have the final decision and actual execution of the plan.

Other business. The chair stated that the township has hired Betty Ann Bechtold and at the January 2009 planning board reorganization meeting, the board is going to make a motion to vote for Betty Ann to be the board's secretary. At the present time, Betty Ann is a township employee and acting secretary of the board. Betty Ann will be working with Elva and the chair stated that the board reserves the right to call Elva at home and make sure she doesn't change her e-mail address or telephone number.

Tom stated that he, formally and personally, wants to thank Elva for all of her years of service to Greenwich Township. Greenwich Township is much better because of Elva.

Jim Adams made a motion, seconded by Joe Schiller, to adjourn the meeting. Motion carried. Meeting adjourned at 8:25 p. m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger, Chairman