

## Greenwich Planning Board

May 13, 2009 Minutes

The monthly meeting of the Greenwich Township Planning Board was held on the above date and was called to order by Chairman, Tom Bolger, at 7:30 P.M., in the Municipal Building.

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 The Star-Ledger.
2. Posting a notice thereof on the Township bulletin board.
3. Filing a copy thereof with the Township Clerk.

The Board and members of the audience stood for the Pledge of Allegiance.

Board members present: Tom Bolger, Doris Rayna, James Adams, Elaine Emiliani, Tim Gale, Frank Marchetta, Michael Black, and Charles Stillman. Helio Carvalho, Deborah Pasquarelli, Joe Schiller had excused absences.

Also present were: Jonathan Drill, Esq., Michael Finelli, P.E. and Betty Ann Bechtold, Secretary.

### **Adoption of Minutes**

Mr. Adams made a motion, seconded by Ms. Rayna to adopt the March 13, 2009 minutes with the following change: Michael Black's name was added to the Board members present.

Roll call vote showed the following result: 7 yes votes by – Tom Bolger, James Adams, Elaine Emiliani, Tim Gale, Michael Black, and Charles Stillman. Ms. Rayna abstained. Motion carried.

### **Adoption of Closed Session Minutes**

The closed session minutes were numbered and handed out to the members.

Mr. Stillman made a motion, seconded by Ms. Rayna, to adopt the closed session minutes. Roll call vote showed the following result: 8 yes votes by – Tom Bolger, James

Adams, Elaine Emiliani, Doris Rayna, Tim Gale, Michael Black, and Charles Stillman.  
Motion carried.

### **Concept Plan**

#### **Block 34, Lot 26 – Prasad Chalikonda**

Brian Tipton, applicant's attorney stood up and identified himself. He thanked the Board for placing him on the agenda at the last minute. Unfortunately, his client was having problems with the contract and they were not ready to appear before the Board until it is resolved.

### **Capital Improvement Review**

Mr. David K. Dech, of the Warren County Planning Department, presented the County's plans to restore and construct a trail on two segments of the Morris Canal. The segments of the trails are under the ownership of the County. All proper N.J.D.E.P. land use permits and Warren County Soil Conservation District Approvals will be obtained.

The Board found that this project, as evidenced by the Goals and Objectives of the Master Plan, to be consistent with the Master Plan.

Mr. Adams made a motion, seconded by Mr. Marchetta, to authorize Ms. Bechtold to draft a letter to the County recommending that the County move forward with this project and declare that it's consistent with the Master Plan.

Roll call vote showed the following result: 7 yes votes by - Tom Bolger, James Adams, Elaine Emiliani, Tim Gale, Frank Marchetta, Michael Black, and Charles Stillman. Doris Rayna abstained. Motion Carried

### **Closed Session**

Ms. Emiliani made a motion, seconded by Mr. Adams, to enter into closed session to discuss litigation, specifically Mansions @ Allamuchy vs. Greenwich Township, Greenwich Township Planning Board and Greenwich Township Board of Adjustment, Docket No. WRN-L-218-09. A proposed resolution authorizing the closed session was read into the record, which resolution provides that the minutes of the closed session may be released to the public upon the final disposition of the litigation, including any and all appeals.

Roll call vote showed the following result: 8 yes votes by – Tom Bolger, James Adams, Elaine Emiliani, Doris Rayna, Tim Gale, Michael Black, and Charles Stillman.  
Motion carried.

### **Return to Open Session**

The Board returned to open session.

Mr. Gale made a motion, seconded by Mr. Marchetta, to authorize Jonathan Drill to represent the Board in the matter of Mansions @ Allamuchy vs. Greenwich Township Board of Adjustment. A proposed resolution was read into the record. Roll call vote showed the following result: 8 yes votes by – Tom Bolger, James Adams, Elaine Emiliani, Doris Rayna, Tim Gale, Michael Black, and Charles Stillman. Motion carried.

A portion of the Resolution Authorizing Jonathan Drill to Represent the Board provides as follows:

“**WHEREAS**, the Planning Board is aware that it has the right to hire its own attorney to represent it in the litigation but wishes to have a single counsel represent it and the other public entities in the litigation as it also believes that representation by single legal counsel for all three public entities will be more expeditious, practical and economical than separate representation, and the Board of Adjustment wants to have Jonathan E. Drill, Esq. and/or Stuart Koenig, Esq. undertake such representation, and the Board of Adjustment does not believe that there are any conflicts of interest involved with attorney Drill’s or Koenig’s representation of all three public entities and also does not believe that there are any conflicts of position between the public entities as to the litigation”

### **Adjournment**

Mr. Adams made a motion to adjourn. Motion carried.

Meeting ended at 9:30 p.m.

Respectfully submitted,

Betty Ann Bechtold, Secretary