

Draft – May 27, 2009/BAB

Greenwich Township Board of Adjustment

May 14, 2009 Minutes

The monthly meeting of the Greenwich Township Board of Adjustment was held on the above date and was called to order by Chairman, Ray Buckwalter, 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 Board of Adjustment 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: Buckwalter, Faillace, Kondas, Vetrecin, Strozeski, and Zander. Joe Schiller had an excused absence. Steve Babula and Dan Detore were absent. Also present were: Jon Drill, Esq. and Betty Ann Bechtold, Secretary.

Adoption of Minutes

Ms. Kondas made a motion, seconded by Ms. Schiller, to adopt the February 12, 2009 minutes. Motion carried.

Mr. Buckwalter recused himself and left the room. Ms. Kondas took over as Chairman. The Board discussed a request from the Fuhrmann's to be placed on tonight's agenda for an extension request. Ms. Kondas asked Mr. Drill whether we should consider this tonight. Mr. Drill advised the Board to have Ms. Bechtold draft a letter to the applicant and attorney saying that this matter will not be placed on the agenda until the escrow is replenished in the amount of \$4,849.50 and to come to an agreement with the Township Committee as to which option they will choose to meet their COAH obligation. When the applicant and the Committee resolve the COAH requirement issue it must be in the form of a resolution.

Ms Kondas made a motion, seconded by Mr. Faillace, to direct Ms Bechtold to send a letter to the applicant stating that prior to granting an extension they must bring there escrow balance up to date and deposit an additional 1,500 to cover any future expenses. Also, the applicant must, by way of resolution, resolve the COAH obligation with the Township Committee. Roll call vote showed the following result: 5 yes votes by – Faillace, Kondas, Vetrecin, Strozeski, and Zander. Motion carried.

Mr. Buckwalter returned.

Mr. Vetrecin made a motion, seconded by Ms. Kondas, to enter into closed session to discuss such a matter, specifically Mansions @ Allamuchy vs. Greenwich Township, Greenwich Township Planning Board and Greenwich Township Board of Adjustment, Docket No. WRN-L-218-09.

Roll call vote showed the following result: 6 yes votes by – Buckwalter, Faillace, Kondas, Vetrecin, Strozeski, and Zander. Motion carried.

The Board returned to regular session.

A portion of the Resolution Authorizing Jonathan Drill to Represent the Board was read into the record.

“**WHERAS**, the Board of Adjustment 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”

Ms. Kondas made a motion, seconded by Mr. Vetrecin, to authorize Jonathan Drill to represent the Board in the matter of Mansions @ Allamuchy vs. Greenwich Township Board of Adjustment. Roll call vote showed the following result: 6 yes votes by – Buckwalter, Faillace, Kondas, Vetrecin, Strozeski, and Zander. Motion carried.

The Board decided that minutes of the closed session would be kept confidential during the pendency of the litigation and would not be disclosed to the public until final disposition of the litigation, including any and all appeals.

Annual Report

Ms. Kondas made a motion, seconded by Mr. Strozeski, to adopt the Annual Report with the following changes – the last paragraph was revised to read:

“**Planner:** It was noted that all three reports from our Planner, Clark Caton and Hintz, were challenged in 2008 due to inadequacy of information and/or inaccuracy. The board finds that this to be an unsatisfactory performance. The board also agreed that it is onerous for the township an/or the applicants to be billed additional sums when reports needed to be redone without any change to the underlying information available to the planner. The board resolved to notify CC&H by way of this report that

continued sub-par performance will result in a review of our options under the current contract for services.

Roll call vote showed the following result: 6 yes votes by – Buckwalter, Faillace, Kondas, Vetrecin, Strozeski, and Zander. Motion carried

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

Meeting ended at 9:04 p.m.

Respectfully submitted,

Betty Ann Bechtold, Secretary