

**GREENWICH TOWNSHIP PLANNING BOARD**

**PUBLIC MEETING MINUTES**

**March 8, 2010, 7:30 p.m.**

***CALL TO ORDER and PUBLIC NOTICE***

Chairman Tom Bolger called the meeting to order at 7:35 p.m. Ms. Oldford said this is a regular meeting of the Planning Board of the Township of Greenwich. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Express Times*. Notice was posted on the municipal bulletin board in the Township Municipal Building in Greenwich Township, New Jersey, and notice was filed with the Township Clerk.

***FLAG SALUTE***

***OATHS OF OFFICE***

Board Attorney Drill administered the oath of office to Barry Glassman, Alt. #1 and Cathie Cullen, Alt. #2.

***ROLL CALL***

Present: Tom Bolger, Charles Stillman, Doris Rayna, James Adams, Michael Black, Tim Gale, Barry Glassman, Cathie Cullen

Absent: Elaine Emiliani, Frank Marchetta, Deborah Pasquarelli (excused absences)

Professionals: Jonathan Drill, Esq.; Michael Finelli, P.E., Lisa Specca, P.P.

***APPROVAL OF MINUTES***

Approval of minutes of meeting of January 13 was tabled to April meeting

***COMPLETENESS***

***Mansions at Allamuchy***, Application #2008-04  
Block 26, Lot 26

This matter has been remanded by the Superior Court to the Board to hear the final major subdivision application as a result of a consent order of remand entered by the Court on September 22, 2009. Applicant seeks a determination of completeness of its final major subdivision application and, if determined to be complete, applicant seeks a public hearing on the final major subdivision application.

Referencing his letter of 2/5 regarding completeness, Mr. Finelli recommended all waivers except Item 38 be accepted. The Board agreed to deem the application complete.

Question was raised as to item #37, engineer's estimate and performance bonding. Mr. Finelli clarified that bonding could be waived for completeness.

Motion to grant waivers and deem the application complete with the exception of #38 was made by James Adams and seconded by Doris Rayna.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, James Adams, Michael Black, Tim Gale, Barry Glassman, Cathie Cullen

### ***PUBLIC HEARING***

***Mansions at Allamuchy***, Application #2008-04  
Block 26, Lot 26

Michael Selvaggi, Esq., introduced himself on behalf of the applicant. He said this is a remand on a consent order. Applicant is seeking final major subdivision approval. According to Mr. Selvaggi plans have been revised significantly. He referenced report of Mike Finelli and noted he took no exception.

Mr. Selvaggi said the plans are consistent with zoning and the consent order of remand as well as preliminary approval.

Gerald Philkill, P.E., Carl Hintz, P.P. and Michael Finelli, P.E. were duly sworn.

The Board accepted Mr. Philkill's credentials as an expert engineer.

Mr. Philkill said he supervised preparation of the current plans. He confirmed plans are consistent with preliminary approval. In addition, he noted the plans are consistent with the consent order. Mr. Philkill observed there are no variances required.

Mr. Philkill testified he took no exception to Mr. Finelli's comments and noted he could accept recommendations as conditions of approval.

Mr. Selvaggi referenced the report of Carl Hintz and noted applicant had previously agreed to these items. Mr. Selvaggi indicated the recommendations are acceptable to the applicant as conditions of approval except where there are constraints as cited in item #8.

Mr. Selvaggi sought clarification as to the farm lot #26/open space access, referenced on sheet #5. Mr. Finelli pointed out that the access will be asphalt. Mr. Hintz asked what vehicles would be allowed. Mr. Finelli indicated it would accommodate pedestrians, bicycles and vehicles. Mr. Selvaggi noted there would be a deed restriction.

Mr. Hintz emphasized that it is important that purchasers are aware of the easement.

Mr. Finelli explained there is a right to farm provision related to lot #26. He observed the Township may be in a position to create the roadway as shown on sheet #5 prior to development occurring. Mr. Finelli indicated there is grant money available to undertake the construction.

John Domingues, principal of Mansions at Allamuchy was duly sworn. Mr. Domingues testified applicant would grant the easement and consent to the Township building the roadway.

Mr. Selvaggi confirmed applicant takes no exception to the report of Carl Hintz.

Motion was made by Charles Stillman and seconded by James Adams to open the meeting to questions and comments from the public.  
All members concurred.

Mr. Bolger invited members of the public to question the witnesses. No questions were posed. Mr. Bolger invited members of the public to comment on the application. No comments were offered.

Mr. Finelli noted standard technical conditions of compliance. Mr. Selvaggi agreed on behalf of the applicant.

Motion to close the public hearing was made by James Adams and seconded by Charles Stillman to close the public hearing.  
All members concurred.

Mr. Drill explained the test for granting approval. Motion to grant final subdivision approval subject to conditions was made by Michael Black and seconded by Charles Stillman.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, James Adams, Michael Black, Tim Gale, Barry Glassman, Cathie Cullen

### ***OLD BUSINESS***

### ***NEW BUSINESS***

#### **Highlands:**

Mr. Bolger asked about the Highlands report. Mr. Hintz said his office had submitted module 3 prior to the deadline. The funding has been extended to \$100,000, and it has been approved. Mr. Hintz has consulted as to what additional items must be submitted.

**Budget:**

It was noted that the Township would establish the budget figures.

Mr. Bolger observed that income from the Weigh Station would be made public as part of the Township budget process.

**New Member training:**

Mr. Bolger pointed out that training must be completed within 18 months.

**Board of Education plans:**

Mr. Bolger, Ms. Rayna and Mr. Glassman recused themselves.

Mr. Drill explained this submission is made under MLUL Section 31, Capital Review. He read from the MLUL. Any public agency before expending public funds shall refer the project to the Planning Board for review. The Board shall act within 45 days.

For future reference, Board of Education will be asked to submit with a letter and plan a presentation to the Board.

Mr. Finelli indicated the proposal is a minor drainage improvement. He noted he had no objection.

Motion to communicate with the Board of Education that the plan is not inconsistent with the master plan and requesting more effective communication in the future was made by James Adams and seconded by Michael Black.

Members in favor: Michael Black, Charles Stillman, Tim Gale, James Adams and Cathie Cullen.

Ms. Oldford was directed to prepare a letter to the Board of Education noting no objection and consistency with master plan.

As to professional payments, the municipality shall exempt the Board of Education from payment.

**Renewable energy ordinance:**

The Township Committee has requested review of a proposed renewable energy ordinance. Mr. Drill noted there is a pending application before the Board of Adjustment which could be impacted by this ordinance. There is a recent MLUL amendment that defines inherently beneficial use, including wind and solar facilities.

The Committee is looking for an advance review by the Planning Board.

Mr. Hintz discussed the ordinance. Board members suggested fencing. Height was determined as a result of national standards from the wind industry. Asked about noise, Mr. Hintz explained it is unlikely to make a sound.

The Board discussed setback requirements and noted the setbacks conform to existing ordinances for accessory uses.

Questions were raised as to location in the front of a house. Ground wind mill or solar panels should not be in the front yard of a house. It was considered that this could create a challenge.

Mr. Hintz will forward the revised ordinance to all members of the Board. Board members will be requested to comment in writing directly to Carl by Monday the 15<sup>th</sup>. Carl will share this information with the Township Committee in order to allow introduction on first reading on 3/18.

Mr. Drill referenced the time of decision rule recently adopted by the MLUL. This means the ordinance in effect at time of submission of an application is applicable.

***ADJOURNMENT***

The meeting was adjourned at 9:50 p.m.

These minutes were approved April 12, 2010.

---

Alice Oldford, Acting Secretary