

GREENWICH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

October 11, 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 and the Star Ledger*. 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

ROLL CALL

Present: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Elaine Emiliani, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

Absent: Barry Glassman (excused) and James Adams (excused)

Professionals: Jonathan Drill, Esq.; Michael Finelli, P.E., Carl Hintz, P.P.

APPROVAL OF MINUTES

Motion to approve the minutes of May 25, 2010, was made by Deborah Pasquarelli and seconded by Michael Black.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Elaine Emiliani, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

DISCUSSION ITEMS

- Fire Company has requested the Township to lease 3 acres from the 20-acre Hamlen property to site a future fire house. The Fire Company represented to the Committee that having the lease in hand would facilitate fund raising efforts for the new firehouse. The Committee seeks Planning Board recommendation regarding this parcel.

The Planning Board's making a recommendation in this matter is optional. Mr. Marchetta noted the parcel was cut out for the fire house. Ms. Rayna asked how the Planning Board would have knowledge what property is involved.

Mr. Finelli said a few years ago a lot of work and maps were generated as to the viability of this parcel for the Fire Department and subsequently for a Municipal Building and Police Department. There was a consensus as to configuration. Mr. Finelli's office prepared a map, which Mr. Finelli showed to the Board.

Mr. Bolger observed this had been considered previously by the Committee. The property is located on Greenwich Street between the cemetery and existing residences on the southbound side. Mr. Finelli pointed out there are 17 acres remaining in the rear after the 3 acres are carved out. Further, he indicated there is significant frontage remaining.

Motion was made by Deborah Pasquarelli and seconded by Doris Rayna that the plan to lease 3 acres of the tract is consistent with the existing master plan and zoning and Mr. Bolger will respond to the Committee

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Elaine Emiliani, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

- Resident has raised an issue as to zoning along Rt. 173 in the southern-most area of the Township as it goes over the Musconetcong River into Bloomsbury where several historic, residential properties are located within the ROM zone. There are questions whether this area was overlooked when the most recent zoning map was prepared and whether it was considered for a master plan amendment. The Township Committee is seeking Planning Board recommendation as to whether a master plan amendment is in order.

Dan Detore of 601 Rt. 173 introduced himself to present this issue. Mr. Detore noted there are a number of homes in this area on Rt. 173 which were absorbed into the ROM zone. Question is raised whether the map is correct. The residents have concerns as to the impact, namely, a 200' buffer zone should exist between ROM and residences. In addition, Mr. Detore expressed concern that residents would have difficulty obtaining financing of residential dwellings in the ROM district. He indicated a map of historic places states that this is considered a historic location, part of the North Bloomsbury Historic District. SHPO opinion is that this area should be recognized as a historic location.

Carl Hintz explained what the zoning map shows as to seven properties located on the westbound side of Rt. 173. These homes are located adjacent to the Medarex property.

Mr. Finelli referenced the communications that occurred this spring and summer. He observed that although there had been discussion, the zone was not designated separately. Mr. Finelli said none of the work had been done to implement this designation nor had it been adopted. Mr. DeTore said he wanted the district to be zoned residential on the existing lots.

Mr. Bolger noted our professionals could develop a zone via a master plan re-examination. Mr. Hintz would contact the property owners. Mr. Hintz emphasized the need for consistency.

Motion authorizing the professionals to re-examine the zoning in this district was made by Deborah Pasquarelli and seconded by Elaine Emiliani.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Elaine Emiliani, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

- Antique Store on West Avenue. Owners of this property have appeared before the Committee to ascertain whether the Township has any interest in 33' of land owned by NJDOT. The owners have utilized this portion of property as their own, and in fact, have placed sheds there. NJDOT requires that the Township sign off on any interest in the property prior to conveying to the antique store owners.

Mr. Finelli shared maps of the area with Board members. He explained the location of the antique shop. Mr. Finelli described the portion of the property referenced.

He noted an entity called Bondi Bar acquired one half of the abandoned right of way. The antique store owners would like to acquire the northern half of the right of way. The NJDOT has indicated that the owners must have Township's sign off to acquire the property.

The Township can indicate there is no interest in this property which would clear the way for the conveyance. Mr. Finelli indicated that he did not believe Greenwich Township needed to maintain any rights in the public right of way. However, if it is dedicated to the antique store, Mr. Finelli explained the Bondi Bar lots become more non-conforming and lose frontage.

Question was raised how Bondi Bar received the right of way conveyance without Township input. Mr. Finelli said he did not know.

Mr. Finelli indicated there is some development possibility for the Bondi Bar properties. He reiterated the properties become more non-conforming when the antique store acquires the northern half of the right of way. Mr. Finelli noted the Board issue is to make a recommendation to the Committee.

Motion that there are no issues with conveying the property to the applicant with the provision that an easement be conveyed so that there could be use as a road/driveway was made by Tim Gale. There was no second, and the motion failed.

Motion was made by Frank Marchetta and seconded by Deborah Pasquarelli that landowners or their representatives be invited to attend and provide more information; and Mike Finelli is authorized to contact the DOT as to requirements and authorizing the chairman to send this information to the Committee.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Frank Marchetta, Deborah Pasquarelli

Members opposed: Tim Gale and Elaine Emiliani.

➤ Medarex marketing/real estate taxes.

Mr. Bolger indicated the Mayor had forwarded to him an email from Medarex. There has been no further communication. Mr. Bolger asked about the real estate taxes generated from the Medarex facility. Mr. Bolger will pose the question to the Committee. Ms. Emiliani said there has been no change in the value as yet.

OLD BUSINESS

COAH/Highlands up-date

Mr. Hintz reported there has been no report issued from Highlands Council as yet.

Mr. Drill explained a recent opinion from the Appellate Division overturned most of the third round rules and remanded to COAH with instructions to adopt new third round rules within 5 months and that the rules had to be based on the methodology used in the first and second round rules; COAH cannot use the “growth share” methodology.

NEW BUSINESS

EXECUTIVE SESSION

Motion to go to closed session to discuss litigation was made by Frank Marchetta and seconded by Michael Black, specifically, to discuss a status report regarding the motion filed in aid of the Township’s litigation rights in litigation entitled Mansions at Allamuchy, Inc. v. Township of Greenwich, Greenwich Township Planning Board, and Greenwich Township Board of Adjustment, et al., Docket No. WRN-L-218-09, and a proposal related to the litigation made by Michael Selvaggi, Esq., attorney for behalf of Mansions at Allamuchy, Inc., to Jonathan E. Drill, Esq., attorney for the Board to be presented to the Board, and both matters require attorney-client privileged discussion and Mr. Drill has advised that confidentiality is required in order for him to exercise his ethical duties as a lawyer to the Board during that discussion.

Elaine Emiliani recused herself.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim

Gale, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

The Board went into executive session.

Motion to return to open session was made by Doris Rayna and seconded by Charles Stillman.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Frank Marchetta, Deborah Pasquarelli, Cathie Cullen

RETURN TO OPEN SESSION

The Board returned to open session. Deborah Pasquarelli announced that she had recused herself from the discussion of proposals related to the litigation made by Michael Selvaggi, Esq., attorney for behalf of Mansions at Allamuchy, Inc. and that she would also recuse herself from any vote relating to the proposals.

Board attorney Jon Drill announced that he had given the Board the up-date on the pending motion in closed session and he announced publicly that Michael Selvaggi, Esq., attorney for the plaintiffs, requested a continuation for the motion hearing which had been scheduled for Friday, October 15 and that Mr. Drill indicated that he had consented to the requested continuance.

As to the proposal related to the litigation, Mr. Selvaggi proposed two alternatives in exchange for his client modifying the pathway easement through the subject property. The first proposal was a request that the Planning Board authorize Mike Finelli to advocate to the County to approve the Oberly Street intersection connection with Greenwich Street. Board attorney Drill summarized the Board's position as discussed in the closed session to be that the Board has not advocated in favor of a third party governmental approval in the past and believes that doing so in this case would not be a good precedent to set. The Board felt that it is the applicant's responsibility to advocate for its third party governmental approvals; it is not the role of the Board to do so. The second proposal was a request that the Board amend the Township Master Plan to relocate the Oberly Street master plan designated road to the west, which would go through the Township's recently acquired Hamlen property. Board attorney Drill summarized the Board's position as discussed in the closed session to be that the Board does not agree to relocate the road. The Board indicated that it intended to stand by its master plan designation of the road. The applicant previously requested that the Board recommend that this master plan designated road be vacated and the Board did not agree to do so. That action / inaction by the Board was one of the bases of the litigation and the settlement of the litigation should have settled that issue. This does not mean, however, that the Board would be adverse to a minor relocation of Oberly Street if the plaintiff could agree to do so with its neighbor.

Motion denying plaintiff's proposals / requests was made by Charles Stillman and seconded by Tim Gale.

Members in favor: Tom Bolger, Charles Stillman, Doris Rayna, Michael Black, Tim Gale, Frank Marchetta, Cathie Cullen.

ADJOURNMENT

The meeting was adjourned at 10:30 p.m.