

October 11, 2006

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: Bill Kanyuck, Greg Blaszk, Jim Adams, Dave Barretto, Ken Hoser, Tim Gale, Doris Rayna, Tom Bolger, Charles Stillman, Roy North. Also present were Michael Finelli, PE., William Edleston, Esq., David Banisch, PP. Absent was Helio Carvalho.

Jim Adams made a motion, seconded by Tim Gale, to adopt the minutes of the September 13, 2006 meeting. The vote is as follows:

IN FAVOR: Kanyuck, Blaszk, Adams, Barretto, Hoser, Gale,
Rayna, Bolger, Stillman, North.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Application #244-06, Polaris Medical Fitness Building Site Plan, Preliminary technical review/public hearing. Bill Kanyuck made a motion, seconded by Doris Rayna, to carry the hearing to the November 8, 2006 meeting. The vote is as follows:

IN FAVOR: Kanyuck, Blaszk, Adams, Barretto, Hoser, Gale,
Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

A letter, dated October 10, 2006, was received from Michael Selvaggi, Esq., stating that at the September planning board meeting, questions were raised about an existing drainage ditch along a portion of the

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Polaris property. Mr. Finelli suggested that it might be worthwhile to have the existing drainage ditch replaced with an enclosed pipe. After some discussion, the applicant agreed to take Mr. Finelli's suggestion under advisement. After doing so, the applicant respectfully declines to do so.

The letter further stated that landscaping in the parking lot and sidewalks were also discussed. Attorney Selvaggi advised the board, by copy of his October 10, 2006 letter, that the applicant agrees to install sidewalks and will endeavor to provide the additional landscaping.

PICC Land Management/Lot Line Adjustment/Minor Subdivision. Doris Rayna made a motion, seconded by Greg Blaszk, to carry the application to the November 8, 2006 meeting. The vote is as follows:

IN FAVOR: Kanyuck, Blaszk, Adams, Barretto, Hoser, Gale,
Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Concept Plan/Zone Change Request, Four Seasons, Age Restricted Community, Block 26, Lot 33.

Mark Peck, Esq. was present on behalf of the applicant. The proposal before the board is for an adult community, consisting of 348 active adult (age-restricted) homes along with a community center, swimming pool and related open space and recreational amenities on an 85 acre tract of land.

Richard Reading, previously sworn, stated that the new development would increase the township ratable base by about 19% while adding only 626 residents. That surplus revenue, if it were applied completely to the tax, opposed to funding other worthwhile projects, would result in a 23 cent reduction in the tax rate. The school benefits from the added ratable.

No children under the age of 19 can live there and is noted within the condominium documents and homeowners' documents. The 19 age can be enforced also by the association. A deed restriction will be placed in the deed. If you have a development that is completely age-restricted you can enforce it. When Jim Adams asked about a hardship situation, such as a grandparent having to raise a child, Mr. Reading stated that no hardships are allowed. You would have to come back to the governing body of the township and ask to waive that 19 age restriction. The governing body of the township has control and if someone was going to waive that requirement, everyone associated with the project would have to agree to it.

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Joseph J. Layton, P.P., AICP, sworn in by Attorney Edleston, presented his credentials to the board. Upon hearing same, Mr. Layton was accepted as an expert in the field of planning.

Mr. Layton stated that a review of demographic trends indicates that the fastest growing segment of the middle age/senior citizen (those over age 55) population in the coming years will be for people aged 55 to 64. There is tremendous growth in this category. Baby boomers are becoming empty nesters. Empty-nesters are couples whose children have graduated from high school or college and who have moved out of the family home. They prefer to live in a smaller house and get involved in civic activities. New Jersey is the 4th strongest market for age restricted housing.

A Planning Analysis, dated August 28, 2006, was prepared and submitted by Mr. Layton and in that report listed were twelve location factors of importance to ARC's. Mr. Layton's full report is on file in the planning board office.

An adult community imposes less of a burden on most public services than any other type of residential development. By not adding children to the school system, an ARC does not impose the single greatest local tax burden created by new residential development. They use less water, sewer, solid waste and generates fewer calls for police and fire protection than a typical conventional residential development of similar size. The only public service whose demand may be higher than a conventional residential development is emergency medical services and then, that is true only for households over the age of 75. The most significant benefit to a municipality is the fiscal advantages.

As proposed, the community will consist of 114 town-homes and 234 detached single-family dwellings for a total of 348 residential units. access to the site will be from Dumont Drive. The market rate residential community will consist of 310 dwellings with the remaining 38 dwellings as affordable housing. This is in excess of 10% set aside, exceeding the COAH third round affordable housing growth share of one affordable unit for every eight market units. A clubhouse, tennis court and swimming pool are proposed to serve the recreation needs of the community.

The State Development and Redevelopment Plan designates the subject property as being within the Suburban Planning Area (PA5). The Greenwich Township Master Plan acknowledges this designation noting that "PA2" is included on the SDRP Policy Map acknowledging the existence of the sewer service area in the westerly portion of the township.

Mr. Layton stated that, in conclusion, there are many benefits associated with active adult housing for a community. Mr. Layton suggested creating an overlay for age restricted zoning. If the age restricted doesn't work, the township still has the other zone. It would be a floating overlay zone and the age restricted zoning could be made a conditional use in the OP/LR Zone.

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Douglas P. Dashine, CTA, Schmidt/Dashine realty, an appraisal business, sworn in by Attorney Edleston, presented his credentials to the board. Upon hearing same, Mr. Dashine was accepted as an expert as a licensed real estate broker in New Jersey.

Mr. Dashine had prepared a Consultation Report - Highest and Best Use Analysis, dated October 5, 2006, and stated that there is a market for age restricted housing. Mr. Dashine's full report is on file in the planning board office.

Market analysis is a study of real estate market conditions for a specific type of property. Market study examines supply and demand. Market studies are one type of Market Analysis. Generally, such

studies present a general analysis of broad supply and demand conditions for a specific property type with no specific site under considerations. Office space available in Warren County and Hunterdon County was included in the report. An Overall Vacancy Factor table was shown on Page 28.

In conclusion, Mr. Dashine stated that clearly, the property in question cannot support Office Development given existing market conditions. With a huge oversupply of office space, development in the foreseeable future is not viable.

The proposed rezoning of the property to an Active Adult Community is the best alternative. There is a strong marketplace for Active Adult Communities. As the proposed Active Adult Community is viable, it will provide tax revenues for the municipality, school system and county. It will provide Senior Citizen Housing where none is provided.

Tom Bolger stated that the market area, in Mr. Dashine's report, showing office space availability, is in Hunterdon County. The proposal is in Warren County.

Mr. Dashine stated that the proposed property is very large for medical offices. The Larken property (Greenwich Commons) will accommodate the need for medical offices.

The following comments were received from the board members:

1. Questions on traffic were raised and questioned Mr. Vincenti's report. Jim Adams felt that the numbers in the report were inflated.
2. A report, dated October 10, 2006, was received from Police Chief Guzzo stating that his major concern is the lack of an additional entrance and exit to the complex. Doris Rayna stated that she concurs with Chief Guzzo's concern. This proposal is one big cul-de-sac and the applicant should look their plan over and take the police chief's concerns into consideration.
3. Tom Bolger stated that there is a dangerous weave conditions

in and around the property. One being, the weave condition at Exit 4 and the weave condition coming off of Route 173, trying to cut across four (4) lanes of traffic and trying to compete with traffic coming off Route 78, in order to make the right hand turn into the development. With an office professional park, you don't have people trying to get back in. Those people will be leaving the area during the peak traffic period. Instead of people coming off of Route 173, cutting across four)4) lanes of traffic to make a right hand turn, you would have people coming out, making a left hand turn to get onto Route 173 or Route 78 or a right hand turn to get onto Route 22 westbound. It would be the opposite traffic pattern. Mr. Vincenti respectfully disagrees with Mr. Bolger. Mr. Vincenti stated that you not only have to look at the afternoon rush hour, but also the morning rush hour. Mr. Vincenti stated that all this was taken into consideration. The chair stated that the township's professional would have to take a look at this.

Mr. Finelli asked the applicant how were the unit types and the lot size divided up and how did you come up with the number for affordable units. Dave Fisher, Vice-President of Matzel & Mumford, sworn in by Attorney Edleston, stated that when looking at communities of this size, it is always smart to create a blend of housing product sizes on different lot sizes. This helps spread the homes across the spectrum and helps create different pricing for different buyers. Two different lots sizes are proposed as well as town homes, which has a master bedroom downstairs which would even address a different type of buyer whose is willing to buy into multi living at a lower price. Mr. Finelli stated that the unit sizes were primarily based upon market demand and the affordable units were based upon the growth share calculations.

David Banisch stated that the proposed applicant has calculated their obligation at a certain number. They are, actually, one unit light and there are a couple of other requirements that go with the growth share obligation and that is that as they actually generate an obligation, not more than 50% of it can be age restricted so there is a non-age restricted component. 19 of the 39 units, that they actually owe the town, have to be non-age restricted and at least 25% of the units delivered have to be rentals. That detail can be worked out after the question of the zoning change is resolved. Tom Bolger stated that if they have to allow for COAH units which are not age-restricted, that blows the theory that it is 100% age-restricted because we are requiring that all COAH units are built on site, so now you automatically have a development that is no longer age-restricted. This will allow people to petition to have children. Mr. Fisher stated that in other communities, where age-restricted community was approved, there were market-rate, non-restricted units built in town homes just outside of the community, a separate development, adjacent, but separate.

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Referring to the Planning Analysis report, page 6, Jim Adams stated that the report states that they are exceeding the COAH third round affordable growth share. Mr. Fisher stated that it depends on how it is being calculated. One per nine (9) on site vs. one per eight (8). Mr. Banisch stated that if the proposal is delivering 310 market, every eight of those generates an obligation of one unit, which rounds it to 39. Mr. Stillman stated that because of that COAH obligation and those restrictions and non-restrictions on age, we will generate children to the school system. Mr. Banisch stated that with those 19 units, there will be some impact. Mr. Stillman further stated that probably was not factored in to the potential tax revenue that, supposedly, would offset any other cost associated with the development. Mr. Fisher stated that there would need to be an adjustment. It all depends on the bedroom size and what the school age characteristics of those units might be. In summary, Mr. Banisch stated that no more than 50% of the obligation can be age-restricted. Nineteen would be the number. Attorney Peck stated that with those 19 homes, there would be a bedroom mix. Doris Rayna stated that if there are two (2) children in each of those 19 homes, it would cost \$380,000 to educate those children. The average amount now, to educate a child, is \$10,000.00 per child. Mr. Reading stated that his calculations show for 20 units, 6 children would be produced.

David Banisch stated that if you create the overlay, you can't attach the benefits of the overlay to a single developer. They will be transferable to another developer. Mr. Blaszkka stated that his concern is that if an agreement is reached and the current zoning has an office on it and this proposal is on hold, because of the market, and the township loses the opportunity of moving forward with this other project coming before the planning board, is there a mechanism that the town can put in place that will require them to put the project through, instead of in a hold pattern, so we don't lose the benefits. Attorney Edleston stated that under the Municipal Land Use Law, you have the statutory period of three years, plus two extensions, for protection. Chairman Bolger stated that in the Star-Ledger newspaper, there is an article regarding an adult community and Mr. Bolger read the article. The article stated that the builder, K. Hovnanian, of 372 age-restricted homes in Mount Olive has withdrawn its application, claiming the development is no longer financially viable. Mr. Bolger stated that in this market of age-restricted housing, after you build the houses, if you can't sell the houses to age 55, you don't want to sell them to other people and then you will just increase the number of kids.

Chairman Bolger stated that who is going to buy those houses the senior citizens are moving from in Greenwich, but families with children who are going into school. Mr. Bolger feels that there is going to be age-restricted houses and then they are not going to meet the needs and then they are going to be sold off and then the only way to sell them is to change who can live there and introducing more than age-restricted people into those homes because you aren't going to be able to sell them any place else. Mr. Fisher stated that research has been done and there have been no cases in N.J. where an existing age-restricted has actually eliminated or changed the age-restriction.

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There was talk about one in Ocean County where some of the owners in a community tried to approach the governing body about it, but you would literally need everyone in the entire community, not only to sign off on that, but change the master deed and get the town's approval. That has never been done and never been challenged in court. Knowing the market today, K. Hovnanian is careful about acquisitions. Hovnanian has never not built a community and never failed to complete a community. If this zoning change takes place and completed all the approvals, Hovnanian would close on the property immediately and start construction because that costs the company money if we don't.

When asked if both partners are age-restricted, Mr. Fisher stated that there is a provision in the Fair Housing Act where if one is 55 years and older, but the other is 48 and above, you can allow up to 20% of the residents to fall into that category. Other than that, they are all above 55 years of age.

Greg Blaszkka stated that another concern is the first aid squad and the additional calls that might happen. If this is an Association, would it be possible that there could be a fee to help offset the potentials that are not going to be covered. Mr. Fisher stated that he has never seen that in other communities. This would be an added assessment that would be earmarked towards emergency services. Mr. Blaszkka stated that some communities wouldn't use the town's emergency squad, they would use some private service/and or paid service to take care of those needs. By doing this, it takes the strain off of municipal services.

Mr. Blaszkka asked that when it comes to fire, DPW services, police and municipal services, would the age-restricted add a greater impact or a lesser impact. Attorney Peck stated that Richard Reading addressed a great deal of that concern. Overall, Attorney Peck stated that there is less consumption per capita of municipal services. The fiscal impact on municipal services, from the proposed project, would be in the neighborhood of \$207,000. That would be offset by the \$423,000 coming into the municipal coffers. Tom Bolger stated that the financial analysis is geared towards being advantageous to the developer and applicant. Mr. Fisher stated that active adult communities create less of a demand for police and fire; however, emergency services can be higher in those types of communities.

Dave Barretto asked Mr. Fisher if they have ever considered putting single family sprinklers in each house. Mr. Fisher stated that, by code, it is not required and have not considered it. There are some marketing issues with sprinklers in homes. Dave stated that by doing that, it takes a considerable burden off the fire protection. With this proposed community, the problem of community services will be extended. It is a problem now even without the proposed community.

Mr. Blaszkka stated that these are concerns of the residents of the township. At the present time, the town needs a fire house, recreational fields are needed, a new municipal building to house the courts, our police and other municipal services. the cost of the homes is a concern. Are the homes affordable for the seniors of the township or is it only affordable for the people outside of the township. As an

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elected official, Mr. Blaszkowski stated that if this project did go through, he would want to make sure that there is some space there to allow low and moderate income facilities for the seniors in Greenwich Township. Mr. Bolger stated that the number of houses on that piece of property does not allow the standard setbacks that the township has for residents up against other residents. Around the perimeter, Mr. Fisher stated that there is a buffer and at the present time, there are no bulk standards imposed for this type of zone, but it is similar to the small lots in Greenwich Chase.

Doris Rayna asked for an explanation of how the deeds work. If a unit is bought, is the purchaser going to hold the deed to it and is that deed going to be restricted. Attorney Edleston stated that from the standpoint of the units that are stand alone, or fee simple, the answer would be yes. There would also be some townhouse type units where you would have, what you call, common elements. The Master Deed would put everyone on notice that there is a neighborhood scheme that contains restrictions as far as the age of people that can live there and other restrictions that are built in. The Master Deed would be recorded in Belvidere and would be on notice for all potential buyers to review before they sign the contract. Doris Rayna questioned when is the township committee authorized to determine deed restrictions. Attorney Edleston stated that the township committee would approve of the declaration of restrictions and that would be done when the Homeowners Association is formed. They couldn't change it without township approval and without the individual residents' approval.

Regarding the challenge to the age-restricted housing, Jim Adams asked if it has been challenged across the nation. Mr. Fisher stated that he hasn't looked beyond New Jersey and found no other cases. Mr. Banisch asked Mr. Fisher to supply a copy of that opinion to the board.

Chairman Bolger stated that the board has talked about age-restricted communities and whether or not it is good for the township. This planning board just finished updating the Master Plan and the board had been working on it for 2 ½ years. A thorough and vigorous job was done on getting that master plan completed. The planning board considered many different uses specifically for the piece of property that is under consideration for rezoning. For that property, it was decided, as a whole planning board, not to go with age-restricted housing there and that the Office Professional/Limited Research was the most appropriate for that space. In Greenwich Township, the non-residential part of the development had lessened from 1995 through current. The board thought it more appropriate to have that property zoned as non-residential. Chairman Bolger stated that it was a well thought out decision and shouldn't be reconsidered at this time. If the zoning was changed now, it would be akin to spot zoning. If the zoning was changed for this applicant, what is to stop the next applicant from requesting the same consideration and the change for a different property in town.

Attorney Peck stated that the notion that an approval would set a precedent for future applications isn't correct. This would have to be treated akin to a variance where each application stands on its own

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facts and its' own merits. In Greenwich Township, there are no senior housing opportunities in the community. As previously discussed, it could be an overlay for the township as a conditional use. The only people that could raise that question would be people whose property fit the parameters in the overlay zone.

Greg Blaszkka stated that the proposal could be used as an overlay. There is no other place in the township that this could be placed because sewer is available on this piece of property. Mr. Blaszkka feels that the COAH came out better on this proposal and the traffic trips are better. The township's traffic engineer should review the proposal and make an analysis between age-restricted housing and office professional. Mr. Blaszkka feels that there are a lot of positives with the proposal and an analysis should be done comparing their proposal with what the property is currently zoned. The township's professionals should look at all the positives and negatives that have been brought up by the board.

Tom Bolger stated that a vote on the proposal will not be taken tonight.

Attorney Peck stated that the board's spot zoning concerns are well taken. The applicant is asking the board to do something outside of the township's master plan process. As for the spot zoning concern, the Municipal land Use Law specifically contemplates and authorizes requests for zoning changes and that is what the applicant is looking to do. Attorney Peck doesn't feel that spot zoning applies in this case.

Dave Barretto made a motion, seconded by Tim Gale, to adjourn the meeting. Motion carried. Meeting adjourned at 9:30 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman