

December 13, 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, Ken Hoser, Tim Gale, Doris Rayna, Tom Bolger, Charles Stillman. Also present were Michael Finelli, PE., William Edleston, Esq., David Banisch, PP. Absent was Helio Carvalho. Roy North arrived at 8:00 p.m.

Jim Adams made a motion, seconded by Tim Gale, to adopt the minutes of the October 11, 2006 meeting. The vote is as follows:

IN FAVOR: Kanyuck, Blaszk, Adams, 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., representing Matzel & Mumford, the applicant, summarized the reports submitted by the proposed applicant's professionals and reviewed the testimony given by the applicant's professionals. Richard Reading, Economist, testified that the project would add approximately 1.5 million dollars in revenue to the township and school. The 1.5 million dollar figure took into account the anticipated burden that the project would impose. Joe Layton, Planner, testified as to the favorable demographics for the proposal and also with consistency with the Master Plan and that Matzel & Mumford would account for any affordable housing impact that the proposal would generate. Mr. Layton had recommended that the planning board recommend to the township committee that

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they adopt either a senior citizen overlay zone or senior citizen *housing* as a conditional use. Doug Dashine, real estate broker and consultant, testified as to the liability of the permitted use in the zone and his data and an analysis showed an extremely weak market for the presently permitted commercial uses. John Vacenti, traffic engineer, who gave testimony regarding the traffic impact of the anticipated development and showed that the impacts would be far less burdensome than they would be under the current permitted zoning use.

Attorney Peck stated that the adjacent property owner has presented a plan to the board and Attorney Peck stated that his client is willing to work with that developer and the township to try and find the most harmonious and beneficial use for the township.

Chairman Bolger addressed the board for any questions that they might have regarding the concept plan. The following comments were received:

- Greg Blaszk – COAH and was it addressed fully.

Response: Dave Fisher, Vice-President of Matzel & Mumford, addressed COAH . Base on the new third round growth share requirements, this project would generate 1 COAH unit per 8 market rate units. Depending on the final number of homes permitted, the applicant would be willing and able to accommodate either senior Mount Laurel units within the project or could do a combination of some age restricted units within the project and some off site.

Attorney Edleston – If Matzel & Mumford construct the COAH units as part of the development, do all the COAH units have to be age restricted.

Response: Mr. Fisher stated that the ones that would be permitted under the plan and be incorporated within the development itself, the answer is yes. We could do age restricted on site or off site. We are flexible depending on the outcome of the scope of the project. If the board is considering a zoning change, there are other options. Could reduce in scope and size the townhouse units and would be willing to consider adjustments in the plan and reduce, to a certain degree, the density of the project. Part of the adjustment would give more open space. This could be a by-product of the change.

David Banisch – instead of constructing additional units, would you consider buying existing units in the municipality.

Response: Mr. Fisher stated that they haven't done that as a company but have worked with municipalities that have done that. Without saying no,

Mr. Fisher stated that they could work with the township to try and accomplish a goal like that. If that were the way the town would like to address their COAH, the applicant would consider that option to try and accomplish a goal like that.

- Doris Rayna – any further thought to installing fire sprinklers in homes.

Response: Mr. Fisher stated that it is an issue that has been dealt with as required. They have installed sprinklers in 3-story configuration of town homes. The applicant is a little reluctant to agree to that request simply because there is a marketing resistance to it. Homeowners are not use to having sprinklers in their home. Really not wild about entertaining that and it is unusual to do in a single family detached home. The developer has built active adult units before and never encountered a problem. I know the town doesn't want to burden the fire company.

Doris Rayna stated that at the present time, the township has a volunteer fire company and her concern is that in the future, we might be having a paid fire company and her quality of life will change because her taxes will have to pay that fire company.

Response: Mr. Fisher stated that he feels that the installation of sprinklers in homes is going to make any difference in the frequency of which the fire department will have to visit that community.

- Tim Gale: COAH – questioned the amount of children it would generate.

Response: Mr. Fisher stated that it would depend on the number of bedrooms. Depends on the type of housing. Richard Reading – 1/3 of a child for each housing unit. The COAH rules require that you have a mix of 1, 2 and 3 bedrooms. There are a number of affordable housing products that generate no school children, such as age restricted, group homes, RCA's, etc. Until an actual plan is presented, it is hard to say how much of an impact will be on the community. If all the affordable units are age restricted, there will not be any children.

- Jim Adams: How many COAH units are generated by 348 homes?

Response: Mr. Reading stated 39 units if built on site. If built off site, the number would go up.

Mr. Finelli stated that it is directly related to the type of units. If you have one-bedroom units, they don't generate any children. The greater the bedroom count, the greater ratio of children.

Mark Peck stated that if the site is to be developed under the current permitted zoning, which would generate over 74 units. This proposal presents a less intrusive COAH impact that what the current zoning calls for.

- Doris Rayna stated that the applicant stated that they would accommodate the affordable units off site. Where would you put it off site?

Response: Dave Fisher stated that when that was mentioned, he was referring to the adjoining property if it were to be developed as a commercial project. Depending on the plan presented by the adjoining property owner, we could work together with them.

Mark Peck stated that with the COAH obligation, there are ways to manage this with minimum impact on the township.

Michael Selvaggi, Esq., retained by Dowel Associates, stated that Dowel wishes to insure that a required right-of-way, Dumont Road Extension, within Lot 33 is provided for in the proposed development plan. That right-of-way was required by virtue of a Resolution that was adopted in 2001 and would, among other things, allow for the installation of a road way all necessary utilities, such as sanitary sewer lines. Will this be accounted for in any future development? John Vincenti, Mazur Consulting, stated yes it has. We understand that Dumont Road is a master plan roadway and is shown on the concept.

- Greg Blaszkza readdressed the police chief's letter concerning only one access into the project.

Response: John Vincenti looked at that. There is a stub street in the rear of the property. There would be a connection for emergency vehicles only. It would provide a second means of access from the rear and would provide school access. The proposal is providing a gated community, but would make arrangements with emergency services and police to have the ability for vehicles to come through the main entrance and go through our development and into the school site. The lots in the back would be modified and provide a direct access, second means of access, into the development as well as through the development to the school site. This would be for emergency vehicles services only.

- Charles Stillman stated that if the adjoining property owner submits a conforming plan, there might be a market for that entire tract as zoned in the Master Plan.
- Greg Blaszkka stated that we have a Master Plan and if we do put an overlay or do a zone change, what does that do to our Master Plan and what keeps the next guy from coming in and saying if you change it for one applicant, why not change it again.

Response: Dave Fisher stated that if information is provided to the board, there is nothing wrong with changing the master plan. Joseph Layton, planner stated that he would look at it as embellishing the Master Plan, not changing the Master Plan. We are giving you an alternative use. With the existing zoning, it may never be developed. With this proposal, it will more likely develop. It could be an overlay zone and not change the Master Plan.

Attorney Peck stated that the Master Plan is not carved in stone. This is a document always under review. We have presented evidence in this proposal. This is something that will be a potential benefit to the township.

David Banisch, planner, stated that aside from changing the zoning what are the compelling reasons why and how can they be justified in the Master Plans Goals and Objectives, to change the plan and provide this option for age restricted housing. The applicant should come back with some compelling reasons.

Attorney Edleston stated that would the argument become stronger as the board gets closer to a six (6) year reexamination as opposed to an argument as this point in time just a few months after the planning board has completed this last 6 months reexamination.

Attorney Peck stated that if we could rewind the clock, that would be great too. Unfortunately, sometimes you can't time your opportunities.

Chairman Bolger stated that the board did consider a similar proposal several years ago on the same piece of property and did look at it when reviewing the Master Plan. Most people, who live in affordable housing, work in or close to town. If there are no commercial pieces of property, where are these people going to work. Greenwich Township would be another bedroom community. The board did consider looking at that property and didn't want any residential on that piece of property.

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Chairman Bolger stated that it has come to his attention that there is five (5) other age restricted housing projects that are being implemented right near Greenwich. There are enough age-restricted units being built in the area. We don't have enough non-residential in the township.

Greg Blaszkka stated that Greenwich should have an analysis of what is being built around us in terms of jobs. There is enough business being built around the area. At the present time, there is more business than housing being built. Professionals should provide data to the board. There is nothing in the town that has age restricted.

Charles Stillman stated that there is diversity in this area, but not in Greenwich, but within a 4-mile radius there is. In Greenwich, there are too many residential units.

Jim Adams stated that the density is the issue. The board did their homework as a planning board and considered regional aspects of what is out there. What was decided was the OP/LR for that piece of property. There is enough OP/LR coming in the surrounding townships. We built the zoning to equalize and provide diversity. Right now, there is no OP/LR component with this proposal.

Jim Adams made a motion, seconded by Charles Stillman, to make a recommendation to the township committee for an amendment to the Zoning Ordinance to allow for Senior Citizen Housing as an overlay on the OP/LR Zone. The vote is as follows:

IN FAVOR: None.

ABSTAINED: Blaszkka

OPPOSED: Kanyuck, Adams, Hoser, Gale, Rayna, Bolger, Stillman.

Motion denied.

Application #244-06, Polaris Medical Fitness Building Site Plan, Preliminary technical review, continued public hearing.

Michael Selvaggi, Esq., representing the applicant, stated that he has reviewed Mr. Finelli's report of December 11, 2006 and Mr. Banisch's report of December 13, 2006 and doesn't take any issues with the reports.

Liz Calhoun, PE, still under oath, summarized the following plan changes:

1. The parking lot layout is the same.

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2. Eleven parking spaces are shown to be “banked” and are shown to be built in the future, if necessary.
3. Working with the power company on what can be done within their easement. Jersey Central Power and Light has indicated that trees are not permitted within the power line easement in the northern section of the site.
4. Sidewalk has been added and additional landscaping has been added.
5. Made minor changes to the drainage.
6. The lighting has been reduced, as requested by Mr. Banisch. Sufficient lighting has been maintained in the front and has been dimmed around the back. The height of the lights has been reduced to 16 feet.
7. The swale hasn't been touched. The drainage swale is collecting water. A meeting was held with the county and they didn't require any type of pipe in there. To accommodate the County and the Township, the applicant extended the pipe part way up into the property so that we can catch the water a little bit better. Attorney Selvaggi stated that the drainage swale that runs to the western part of the property is collecting water not storm flow from the Polaris lot. Ms. Calhoun stated that the Polaris lot all drains into the storm sewer into the basin. This is merely to transmit the water from SMP site and, in the future, from Phillipsburg Honda site. There isn't any contribution from the Polaris site.
8. County doesn't want a left hand turn lane into the site. On County roads, they don't put left hand turns into private property. The site doesn't warrant a left hand turn lane. The County felt that a left hand turn lane into the site would cause confusion with turning left onto Stryker's Road. This no left hand turn doesn't impact the traffic analysis.
9. The split rail fence is now extended around the basin along the northwesterly property line and along the southerly side of the driveway, as requested.
10. A Phase II Geological Study Report is in the process and will be submitted under separate cover. Once that is submitted, Ms Calhoun stated that the storm water issues can be resolved.

Liz Calhoun stated that she has no problem with adding trees from JCP&L easement and will comply with Mr. Banisch's letter of December 13, 2006.

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Sworn in by Attorney Edleston was Stan Theodoredis, Partner in Polaris Medical Center. The following exhibit was entered into evidence:

1. Exhibit A-3: Proposed Building Elevations.

Mr. Theodoredis stated that the façade of the building would remain the same. As shown on Exhibit A-3, the exterior of the building will be brick, stucco and a lot of glass. The name of the facility will be Polaris Medical Fitness and is a healthy type workout facility. Will be doctor supervised and would include sports medicine, warm water pool, low impact exercise, therapy offices and some doctor offices. This is supervised therapy. This is not prescription or an insurance place. There are membership fees. It is a more supervised gym. More for people who want to go to a place, work out and train and be comfortable. For example, if you are struggling with weight, you would be given a workout to follow and this facility would supervise you. The facility will employ about 20 people.

David Banisch stated that the COAH figures might change. After hearing testimony, this is more like a retail use.

The following variances and/or design waivers are needed:

1. Side yard setback (variance).
2. No parking in front yard (variance).
3. Transition buffers along Route 519 (waiver).
4. Transition Buffer Vegetation (waiver).
5. Commercial Landscape Treatment (waiver).
6. Parking Lot Landscaping (waiver).

Chairman Bolger addressed the public for any comments. Upon hearing none, Charles Stillman made a motion, seconded by Jim Adams, to close the public hearing. The vote is as follows:

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

Motion carried.

Doris Rayna made a motion, seconded by Greg Blaszk, to grant the variances for side yard setback and no parking in front yard. The vote is as follows:

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

Motion carried.

Tim Gale made a motion, seconded by Greg Blaszk, to grant design waivers for Transition Buffers; Transition Buffer Vegetation; Commercial Landscape Treatment and Parking Lot Landscaping. The vote is as follows:

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

Motion carried

Mr. Finelli stated that the applicant doesn't have sanitary sewer yet. If don't get it, they will have to come back before the planning board with a septic system plan. This site, as presently designed, could not accommodate. Ms. Calhoun has to do work on the storm water management and that could change the design, shape, size, etc. of storm water facility.

Doris Rayna made a motion, seconded by Jim Adams, to grant Preliminary Site Plan approval, with conditions, to Application #244-06, Polaris Medical Fitness. The vote is as follows:

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

Motion carried.

Planning Board matters. Letter from the County regarding OSG was received. Comments from the County were submitted to the State. Tom stated that the board has to provide comments back to the State. Comments are being requested to be submitted by January 17, 2007. A report will be issued by Mr. Banisch and there will be a quick discussion at the January meeting. Report to be submitted by January 3, 2007 by David. David to give report by the January meeting and will be forwarded to the board members prior to the January meeting. David to make recommendations so comments can be sent to the State.

Highlands Regional Plan. David Banisch stated that the plan and the map are out and the board should schedule that for discussion at the January meeting. Suggestion was

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made by Mr. Banisch for the board to consider sending a letter indicating to the Highlands council that the board is aware that the plan was released in the beginning of December. A 60-day comment period seems a little short in light of the holiday season and suggests that the comment period be extended to 120 days. The 60 days would expire January 30, 2007.

Michael Finelli feels that the draft plan is pretty consistent. Mike has not blown up the Highlands maps and tried to overlay it on the township's Land Use zoning map as of yet. Michael Finelli will provide the maps prior to the January meeting
January meeting – Highlands Master plan discussion.

Tim Gale and Bill Edleston attended the mandatory training session in October. The Municipal Land Use Law was discussed and there was a quiz at the end of the session. The next scheduled session will be held in March, 2007.

January 2007 agenda – Highlands Master Plan discussion.
County map review
Concept Plan
Picc Land Subdivision

Greg Blaszkka will not be on the planning board in 2007 and thanked everyone for all the work the members have done in 2006.

Jim Adams made a motion, seconded by Greg Blaszkka, to adjourn the meeting. Motion carried. Meeting adjourned at 9:05 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman