

Greenwich Township Land Use Board Meeting
MEETING MINUTES
March 14, 2019

The March 14, 2019 Regular Meeting of the Greenwich Township Land Use Board was called to order by chairman, Ray Buckwalter at 7:30 p.m.

Adequate notice of this meeting has been given in accordance with the Open Public Meeting Act in that a notice was published in the "Star Ledger" and "Express Times" newspapers. Notice was posted on the municipal bulletin board in the Township Administration Building in Greenwich Township, New Jersey and notice was filed with the Township Clerk.

Roll Call

Members present: Frank Marchetta, Bruce Williams, Ray Buckwalter, Paul Beam, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello and Pam Peslis

Absent: Gary Hill, Joseph Fiamma and Jeremy Blunt

Others present: Board Attorney Jon Drill, Board Planner Elizabeth McManus, Board Engineer Michael Finelli and Board Secretary Zuzana Karas

Excused Professional: None

Flag Salute

MINUTES

January 9, 2019 Regular and Reorganization Meeting

It was put on record that board member, Bill Kanyuck, was not listed as a present member at the January 9th, 2019 meeting and would be added in.

A motion was made by Bruce Williams and seconded by Dawn Marie Kondas to approve the Planning Board's January 9, 2019 regular and reorganization meeting minutes.

A roll call vote was taken and the motion was approved on the following vote:

Ayes: Bruce Williams, Dawn Marie Kondas, Mark Scuderi, Cathie Cullen, Joseph Cicchiello, Bill Kanyuck, Pam Peslis, Frank Marchetta, Paul Beam, and Ray Buckwalter

Abstain: None

Nays: None

Absent: Gary Hill, Joseph Fiamma and Jeremy Blunt

PUBLIC HEARING ON THE ADOPTION OF THE 2019 HOUSING ELEMENT AND FAIR SHARE PLAN

Beth McManus, the township planner, presented sworn testimony regarding the proposed 2019 third round housing element and fair share plan. Ms. McManus summarized the history of affordable housing, the obligations, as well as how to successfully plan for the third round. While three sites, Dumont, Furhman and the Old Greenwich School, are referenced in the plan, the plan relies on just two of the sites, Dumont and Furhman, for the affordable housing units and credits needed.

Chairman, Ray Buckwalter announced, following the presentation, to both the board members and the public that if they had any questions to please come up.

Doris Gullian, from the public, asked if the Furman site would be owned and managed by its owner. Ms. McManus answered that it would be.

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Dawn Marie Kondas, a board member, asked what zone the Furman property would fall under. McManus answered most likely it would be the MF-2 zone.

Bill Hullian, from the public, asked if this affordable housing plan is a done deal at this point. Attorney Drill explained that the court has not yet agreed on anything. He added that any work done by either developer on either site, such as soil testing, is being done at their own risk.

John Creighton, also from the public, asked if the chances of getting approval from the court changes since there will be two different sites proposed to fulfill the fair share housing requirements. Attorney Drill responded that it was his opinion that spreading the units between two sites instead of locating them on one site would not change the chances of court approval of the plan.

Ms. McManus concluded her presentation by explaining to the board that approving the 2019 third round housing plan element and fair share plan would be critical in protecting the town from builders remedy.

Ray Buckwalter also added that time is not being added in fulfilling the towns' obligation in this process and that it does need to progress fast.

A motion was made by Mark Scuderi and seconded by Frank Marchetta following a voice vote taken and the motion was approved unanimously adopting the following resolution:

GREENWICH TOWNSHIP LAND USE BOARD

**RESOLUTION ADOPTING 2019 THIRD ROUND HOUSING PLAN ELEMENT & FAIR SHARE
PLAN DATED MARCH 4, 2019**

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Greenwich Township Land Use Board (the "Board"), held a public hearing on March 14, 2019 on the adoption of a proposed element of the Greenwich Master Plan, specifically, a 2019 Third Round Housing Plan Element and Fair Share Plan dated March 4, 2019; and

WHEREAS, upon the conclusion of the public hearing, the Board determined that the 2019 Third Round Housing Plan Element and Fair Share Plan was consistent with the goals and objectives of the Township of Greenwich Master Plan, will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-

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28, and is designed to achieve access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310;

NOW THEREFORE BE IT RESOLVED, by motion duly made and seconded on March 14, 2019, that the Board hereby adopts the 2019 Third Round Housing Plan Element and Fair Share Plan dated March 4, 2019 as an element of the Greenwich Master Plan.

CLOSED SESSION

A motion was made at 8:35pm by Bruce Williams and seconded by Dawn Marie Kondas to adopt the following resolution to go into closed session.

Ayes: Paul Beam, Frank Marchetta, Bruce Williams, Dawn Marie Kondas, Joseph Cicchiello, Cathie Cullen, Mark Scuderi, Ray Buckwalter, Bill Kanyuck and Pam Peslis.

GREENWICH TOWNSHIP LAND USE BOARD

RESOLUTION AUTHORIZING CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such a matter where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely, attorney client privileged legal advice regarding the status of the pending affordable housing litigation titled In re Greenwich Township Compliance with Third Round Housing Obligation, Docket No. WRN- L-228-17;

WHEREAS, this Board believes the public should be excluded from those discussions;

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NOW, THEREFORE, BE IT RESOLVED by the Greenwich Township Land Use Board on March 14, 2019 that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session may not be disclosed to the public because all discussions will involve attorney-client privileged advice and information.

A motion was made at 9:05pm by Frank Marchetta and seconded by Mark Scuderi to come out of closed session. The motion was passed unanimously.

RETURN TO OPEN SESSION

Upon return to open session, Attorney Drill suggested to the board add two additional meetings in both May and June. The reason being to ensure sufficient time for the Board to hear and decide the two anticipated preliminary site plan applications that will be submitted by Ingerman for the Dumont site and Petrucci for the Furhman site. The board agreed to schedule special meetings on May 23rd and June 27th so that if extra hearing dates are needed, they can be provided. The Board Secretary will provide OPMA notices to two newspapers for the special meetings.

The Land Use Board meeting concluded. A motion was made by Dawn Marie Kondas and seconded by Frank Marchetta to adjourn the meeting at 9:10p.m. The motion was passed unanimously.

Zuzana Karas, Land Use Board Secretary.