

January 09, 2008

The monthly meeting of the Greenwich Township Planning Board was held on the above date and was called to order by Doris Rayna, Vice-Chairwoman, 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.

Joseph Schiller was sworn in by Attorney Drill.

Board members present: Jim Adams, Helio Carvalho, Tim Gale, Frank Marchetta, Deborah Pasquarelli, Joseph Schiller, Doris Rayna, Charles Stillman, Michael Black. Also present was Michael Finelli, Engineer; Carl Hintz, Planner; Jonathan Drill, Esq. Absent was Tom Bolger.

Doris Rayna, Vice-chairwoman stated that since the draft document of rules and regulations is quite lengthy, planning issues will be discussed first.

Elaine Emiliani arrived at 7:35 p.m. and was sworn in by Attorney Drill.

Carl Hintz stated that he has received the 2006 Master Plan, Reexamination Report for 2006 and township ordinances. Ms. Rayna stated that she received e-mails from Tom Bolger, chairman, and requested that a schedule be made up as to how the planning projects will be handled. For instance, the MPs Highlands Grant; NJ Farmland Preservation Plan; Community Facilities Plan; Redevelopment Plan.

Regarding the MP3 Highlands Grant, Deborah Pasquarelli sits on the Highlands Council and stated that the Council staff determines completeness and Ms. Pasquarelli last conversation with the staff was that the Greenwich Township MP3 Grant was not complete. By now, it could be complete. A suggestion was made for someone to contact a specific person on the council to see if it is complete and also someone should check with the township's CFO to see if payment had been made to the former planner. If the

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plan wasn't complete and never received funds from the council, the former planner should not have been paid.

Carl Hintz will contact Chris Danis, Planner, to check on the status of the MP3 Grant and verify that it was sent.

Elaine Emiliani requested that Jim Adams check with the township's CFO regarding payment.

Regarding the Farmland Preservation Plan, Carl Hintz stated that his office can complete that plan. Lisa Specca, a former member of the SADC, has been involved with several plans. Board members are under the impression that it was complete and has been sent down to the State. A final draft has not been presented to the board, but the former planner has been requested to put all documents on disk and forward it to the secretary's office. Verification has not been received from the State that it was received. Elaine Emiliani stated that the County was supposed to receive a copy of the final draft of the plan. The vice-chair wants to know if it has been done and the board wants Carl Hintz to verify that the plan has been sent to the appropriate bodies.

Deborah Pasquarelli made a motion, seconded by Jim Adams, for Carl Hintz to contact SADC to confirm the status of the Farmland Preservation Plan and follow-up with any comments. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Jim Adams made a motion, seconded by Tim Gale, for Carl Hintz to contact Chris Danis, Planner, to check on the status of the MP3 Grant and to take over the project. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Doris Rayna stated that the Community Facilities Plan was put on hold in order for the board to complete the FFP. Deborah Pasquarelli made a motion, seconded by Jim

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Adams, that the Community Facilities Plan and Redevelopment Plan, be prepared by Carl Hintz. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Deborah Pasquarelli made a motion, seconded by Jim Adams, to table Redevelopment Plan and Community Facilities Plan until the Township Committee reviews capital projects and has a chance to review policies on Redevelopment.

Discussion on the motion:

Charles Stillman stated that the Community Facilities Plan is part of the Master Plan.

Jim Adams asked if the Community Facilities Plan a necessary component of the Master Plan. The answer is no.

Joe Schiller asked if there is a trigger that will bring this back to the township committee? It would be at the discretion of the township committee and could be brought up again at the planning board meeting.

Carl Hintz stated that the Community Facilities Plan looks at community facilities, such as fire, rescue, police, library, schools, etc. and coordinates them with policies that the township has with respect to the Master Plan's future development growth. That is tied together and that in turn will be, perhaps, to capital improvement programming.

Elaine Emiliani stated that the capital improvement committee will keep the planning board abreast of what they have been working on.

Attorney Drill stated that if community facilities were proposed on privately owned land, not municipal land, there is an advantage of putting the plan together now. Even though the plan element is optional in the MLUL, if you do include it in the Master Plan and a developer comes in and proposes something on privately owned land, but there is a community facility showing on the master plan, there is a one year period that the township basically has the right to take it.

Charles Stillman stated that we should assess what we have now and what areas are designated for what type of facilities within the Master Plan.

Deborah Pasquarelli stated that the board should take direction from the township committee and figure out how the planning board can fit it into the Land Use Plan.

Joe Schiller stated that the Capital Projects committee has gathered a lot of research and data and just needs input from other sources.

The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Michael Finelli discussed the ordinance review and updates. A brief meeting was held in 2007, but no further discussion has taken place. Attorney Drill stated that he has reviewed the ordinances and the Land Use book hasn't been codified since 2004. The code for the entire township is in sorry shape. Mr. Finelli stated that in 2007, the board authorized the board professionals to move ahead with the project and a meeting was held with Mr. Finelli, Dave Barretto, Elva Pomroy, Bill Edleston and David Banisch. A comprehensive review could not be done because of the money constraints. Michael Finelli is well aware of the code books drawbacks.

Elaine Emiliani stated that department budgets are due January 31, 2008. The board should discuss what their projects are so the township committee can budget for 2008 in order for the planning board to operate effectively. The board should contact the township committee and inform them of what they would like to do in 2008 and the costs associated with those projects. Also included would be the planning board's operating budget.

Attorney Drill discussed codifications and stated that he doesn't have to be involved directly, but when ordinances are amended and if someone buys a book, they pay \$100.00 and you get a book and a bunch of 8 ½ x 11 copies. Proposals should be submitted from the professionals that would be involved. The zoning office should be involved and the new planner. Jim Adams suggested the planner submit a cost. Ms. Pasquarelli stated that a planning board member should be involved so they can report back to the planning board.

Deborah Pasquarelli made a motion, seconded by Elaine Emiliani, to create a subcommittee and to appoint one member of the planning board to work with the engineer and the planner and the zoning officer, on updating the ordinances. Costs are to be submitted. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Deb Pasquarelli suggested one of the members of the township committee is on the subcommittee.

Michael Finelli stated that, primarily, the review of the ordinances is to “clean things up” and to make the ordinances consistent and to get rid of the sections that are outdated, obsolete or have been superseded by other statutes. By cleaning up the ordinances, when a code book is handed out to a potential developer, citizen, board members, professionals, etc., they have a nice rock solid document and easy to work with.

Deborah Pasquarelli made a motion, second by Elaine Emiliani, that Jim Adams be the liaison to the township committee and work with the subcommittee on the ordinances. The vote is as follows:

IN FAVOR: Carvalho, Emiliani, Gale, Marchetta, Pasquarelli,
Schiller, Rayna, Stillman.
OPPOSED: None.
ABSTAINED: Adams.

Motion carried.

Costs proposals are to be submitted by Michel Finelli and Carl Hintz and forwarded to Jim Adams.

Rules and Regulations. Attorney Drill discussed the sample rules and procedures with the board. Attorney Drill stated that it takes boards about 2 to 3 months to accomplish the review. Once adopted, revisions can be made. When asked why rules should be adopted, Attorney Drill stated, in a memo, that the Municipal Land Use Law requires that every municipal agency shall adopt reasonable rules and regulations, not inconsistent with the Municipal Land Use Law (MLUL) or any applicable ordinance, for the administration of its functions, powers and duties. Thus, the short answer to the question

of why the Board should adopt rules and regulations is because the MLUL requires that it be done.

Attorney Drill feels that rules are good, besides that they are required, is because there are areas that the MLUL is silent on and the board can set its' own rules for what they want to have happen. Three (3) examples were forwarded to all members via e-mail. Examples were submission date deadlines, submission of letters or petitions opposing an application and a rule which creates a minimum list of standard conditions of approval.

Attorney Drill feels that it is important to have rules. In the absence of rules, you have to go with the majority. If the chairman wants to do certain things, you have to put them in the rules. If the board does get into litigation, there are rules that the attorney can use in litigation.

Carl Hintz stated that one of his other towns' requirements in their rules is that on a major application, the applicants provide a list of witnesses. This will give the board some sense of how long the application will take. Mr. Hintz will provide a copy of this rule. Attorney Drill stated that in one of his towns, listing the name of witnesses is part of the application.

Attorney Drill and the board reviewed the rules and regulations. Main items discussed at length were the following:

1:1-1. Alternates: If all nine members are present, alternates can participate in discussion, question witnesses and give their opinions, but they can't vote and a vote shouldn't even be recorded. Alternates cannot make motions.

1:1-2. Attendance: If a member wants to be excused, at the next meeting in attendance, the member will have to ask for an excused absence. If sick, the board has to excuse the absence. It will be the responsibility of each board member to ask for an excused absence from the board.

Deborah Pasquarelli made a motion, seconded by Frank Marchetta, to excuse absence for Joe Schiller, Elaine Emiliani and Helio Carvalho.

All in favor: aye
Opposed: none.

1:1-4. Reorganization Meeting. "Such meeting shall be conducted in the presence of the board attorney who was appointed for and who served through the preceding calendar year" to be deleted.

1:1-5. Election of Officers. Secretary shall be compensated pursuant to an

agreement between the secretary and the township governing body. This applies to board attorney, engineer and the planner.

- 1:1-6. Board Attorney.** To be added: “unless the Board chooses another attorney to defend and/or prosecute particular litigation or unless the Board chooses not to defend and/or prosecute a particular litigation. The Board Attorney shall attend the meetings of the Board as directed by the Chair. This also applies to Board Engineer and Board Planner.
- 1:2-1. Chair.** All decisions made by the chair, on behalf of the board, are subject to be overruled by majority of the board. Take out “appoint committee”. Committees may be created upon majority vote of board.
- 1:2-3. Vice Chair pro-temp.** To be deleted.
- 1:2-4. Secretary**
© “Work sessions” to be deleted.
- 1.3-2. Special Meetings.** MLUL states that two members can call a special meeting or may be called by the Chair. After discussion, Section 1.3-2 “Special Meetings” is to be deleted and the MLUL applies.
- 1.3-5. Order of Business.** This area is not mandated by the MLUL. This is subject to the discretion of the Chair upon consultation with the Secretary and the Secretary shall set an agenda with the order of business. Discussion was held on reviewing the vouchers submitted by the township’s professionals. Jim Adams stated that he feels that it is the board’s responsibility to approve the vouchers and then send them up to the committee. Discussion was held on having public comment. Attorney Drill advised against it. Public comment is for township committee meetings and not a requirement at planning board meetings. Doris Rayna stated that the planning board is not a problem solving board. Suggestions were made that the board should have public comment and set a time limit. Other suggestions were to schedule public comment so the public has an opportunity to comment on anything they want to at the beginning of the meeting. Attorney Drill stated that it would have to be non-agenda items. There is a public comment period for applications. Upon discussion, a straw vote was taken as to whether or not at the beginning of the meeting, have a portion of the meeting for public comments about anything other than non-agenda items.

YES: Marchetta, Pasquarelli, Schiller.
NO: Adams, Carvalho, Emiliani, Gale, Rayna,
Stillman.

Public comments will not be required.

1.3-6: Time Limitation. The board shall be under no obligation to consider any old and/or new business after 10:00 p.m. The board shall take no new testimony beyond 10:00 p.m. This rule may be waived by a majority of board members. The board shall be entitled to adjourn and continue any hearing in progress at 10:00 p.m. to a future date even in the middle of testimony or cross examination.

Deborah Pasquarelli made a motion, seconded by Helio Carvalho, to adjourn the meeting. Motion carried. Meeting adjourned at 10:00 p.m.

Deborah Pasquarelli made a motion, seconded by Doris Rayna, to reopen the meeting. Motion carried with an affirmative vote.

Deborah Pasquarelli stated that the deadline for comments on the Highlands Regional Master Plan is February 28, 2008. Carl Hintz and Michael Finelli should review the Highlands Master Plan and provide comments by the February 28, 2008 deadline. .

Jim Adams made a motion, seconded by Deborah Pasquarelli, for Carl Hintz, in consultation with Mike Finelli, to review the plan and prepare comments and report back to the February 13, 2008 meeting. Written comments should be made available to the secretary the week before the meeting in order for them to be incorporated in the board members packets. The vote is as follows:

IN FAVOR: Adams, Carvalho, Emiliani, Gale, Marchetta, Pasquarelli, Schiller,
Rayna, Black.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

COAH comment period. Deborah Pasquarelli feels that the governing body would want to comment on that. A letter, dated January 7, 2008, from Carl Hintz, regarding the COAH Status – Revised Third Round Projections, was distributed to the board for information purposes only.

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Jim Adams made a motion, seconded by Elaine Emiliani, to adjourn the meeting.
Meeting adjourned at 10:05. Motion carried.

Elva N. Pomroy
Planning Board Secretary

Doris Rayna
Vice-Chairwoman