

March 12, 2008

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: Jim Adams, Elaine Emiliani, Tim Gale, Frank Marchetta, Deborah Pasquarelli, Joseph Schiller, Doris Rayna, Tom Bolger, Michael Black. Also present were Michael Finelli, Engineer, Jonathan Drill, Esq. and Carl Hintz. Absent were Charles Stillman and Helio Carvalho,

Doris Rayna made a motion, seconded by Joe Schiller, to adopt the minutes from the February 13, 2008 meeting. The vote is as follows:

IN FAVOR: Emiliani, Gale, Marchetta, Schiller, Rayna, Bolger, Black.
OPPOSED: None.
ABSTAINED: None.

Jim Adams and Deborah Pasquarelli were not present for the adoption of the minutes.

Motion carried.

Medarex Extension. Resolution memorializing the grant of second one year discretionary extension of the Final Site Plan protection period for the expansion of Medarex building No. 2 was reviewed as to its' form and accuracy. Upon review, Elaine Emiliani made a motion, seconded by Tim Gale, to adopt the Resolution as prepared. The vote is as follows:

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

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Motion carried.

Application #247-08, Michael Sassman, Block 2, Lot 10, Route 57, Minor Site Plan.

The Affidavit of Publication was reviewed and found to be timely and proper notice was given to property owners within 200 feet, giving the board jurisdiction to conduct a public hearing.

Doris Rayna made a motion, seconded by Jim Adams, to open the public hearing. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Black.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Sworn in by Attorney Drill were Michael Sassman, Owner/Applicant; Louis Osiecki, Operator; Michael Finelli, Township Engineer.

Mr. Sassman is submitting an application for Minor Site Plan. The property consists of 0.598 acres and has two (2) existing buildings located on it. Mr. Sassman had received approved in 1998 for a beauty salon. The building was involved in an car accident and sat empty for a period of time. The building was restored to its original footprint and now Mr.Sassman is proposing to change the use from the former use as a hair salon on the first floor of the two-story building to a proposed use as a karate school. The applicant is also proposing the installation of a 4 ft. by 5 ft. wall sign on the front of the building. The Zoning Officer has made the determination that the intended use is permitted in the B-1 Zone and has issued a sign clearance stating that the proposed sign conforms to the area requirements.

Mr. Finelli stated that the site is not in compliance with any of the bulk requirements of the B-1 Zone, however, the applicant has reconstructed the building in its previous footprint and is looking just to rent the lower level. There are apartments on the second floor. Most of the non-compliance items are grandfathered. The only issue would be the landscaping requirements.

Michael Finelli's letter of March 7, 2008 was reviewed by the board and applicant. Mr. Sassman stated that he has reviewed Mr. Finelli's letter and will address all items. The landscaping issue was discussed and Mr. Sassman stated that when the car ran into the building, the landscaping was destroyed. Mr. Sassman stated that he will replace the landscaping that was destroyed. Mr. Finelli stated there are several ways to treat this. Option A: The board agrees to require similar plantings to what was originally proposed

and approved in 1998. Option B: Require the applicant to submit a landscaping plan that will be reviewed by Mr. Finelli. Option C: Have Finelli Engineering work with the applicant to try and come up with something that would be appropriate and ethically pleasing and try to comply with the ordinance. Mr. Sassman stated that he really only has from the edge of the black top to the edge of the shoulder, which may be two feet.

Attorney Drill stated that the board has to grant an exception from the current standards of the landscaping ordinance. Grounds for the exception would be hardship. After discussion of the landscaping, the board felt that Option C would be the best.

The sign proposed conforms and will be placed in the same place as the old sign that advertised for the beauty salon. Mr. Osiecki stated that the Zoning Officer granted a permit for the sign and it is in compliance with the zone.

Mr. Sassman further stated that he is willing to restripe the parking lot, fix the "stop" sign, but regarding the deceleration lane stripe along Route 57 West, there is not enough room on Route 57. There is a small shoulder, then the blacktop drops off and then it comes back up to Mr. Sassman's property. After discussion, that item will be removed from Mr. Finelli's report.

All lighting that was there will remain the same. Louis Osiecki, Operator, testified that he plans to operate the school Monday thru Friday during the hours of 10 a.m. to 8 p.m. and Saturday from 10 a.m. to 3 p.m. Each class will be one (1) hours long two times a week. Classes will be limited to 10 to 15 students.

The chair addressed the public for their comments. Upon hearing none, Elaine Emiliani made a motion, seconded by Deborah Pasquarelli, to close the public hearing. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Black.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

Jim Adams made a motion, seconded by Deborah Pasquarelli, to grant Minor Site Plan approval, with conditions, and Landscaping Option C, and subject to all discussed conditions, to Application #247-08, Michael Sassman, Block 2, Lot 10. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna,
Bolger, Black.

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OPPOSED: None.
ABSTAINED: None.

Motion carried.

Mr. Osiecki requested of the board that they authorize the board secretary to notify the Zoning Officer that the zoning clearance may be issued prior to the Resolution being adopted. Attorney Drill is not aware of any provision in the ordinance that permits this. After hearing the legal opinion, the applicant stated that he would proceed at his own risk.

Informal Discussion – East Coast Energy Solutions. Susan Ruch, President, East Coast Energy Solutions, was present to discuss the possibility of an ethanol plant located in Greenwich Township. Ms. Ruch stated that East Coast Energy Solutions was formed for the sole purpose of building, owning and operating a 40 million gallon per year fuel ethanol manufacturing facility in New Jersey and other East coast states. The mission of East Coast Energy Solutions is to reduce our dependence on foreign oil, reduce dependence on petroleum consumption, combat global warming and reduce the pollution coming out of our cars and trucks and create a new market for our farmers in New Jersey.

Ms. Ruch stated that they have to have a railroad to move it. They have looked at the O'Dowd property on Richline Hill Road. There are over 200 acres of land there located in the RCD. They have also looked at the Medarex property, zoned ROM, and have met with Norfolk Southern, but they would need a bridge to come over Route 173 to get to the property.

Corn doesn't need a lot of water. It is grown without irrigation. Every acre of corn puts out 4,000 gallons of water a day in evapotranspiration. In an acre of corn, water evaporates from the soil to the air and transpires from the plant itself. Nearly nine out of ten acres of corn require no water other than natural rainfall.

A 40 MGY ethanol plant will create 40 new direct jobs and 660 additional indirect jobs in other sectors. It would create new sustainable local and state taxes of \$1.2 million annually. One bushel of corn produces 2.8 gallons of ethanol. Therefore, 14.5 million bushels of corn produces 40,600,000 gallons of ethanol. Corn ethanol is better than its only real alternative – gasoline. The plant located in New Jersey will utilize all corn from local farmers, approximately 3 million bushels. Any additional corn, approximately 12 million bushels, can be railed in from Eastern Pennsylvania and the Midwest.

To make ethanol, you grind up the corn, add some water, some yeast and enzymes, take out the water and then you have alcohol. Corncobs can even be ground up.

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Ethanol is beneficial because it is environment-friendly, bio-degradable, non-toxic, water soluble, renewable. Ethanol does not harm drinking water resources. Alcohol produced at an ethanol plant is the same alcohol we drink but it is denatures with a minimum 2% gasoline so it is unfit to drink and then is distributed as a fuel for cars and trucks as an oxygenate additive at 10%, an octane enhancer, to replace MTBE in gasoline that does pollute our water. The government requires that you put 2% gasoline into the alcohol.

On site, there would be approximately 400,000 bushels of corn stored in two standard farm silos. Also, there would be storage facilities for 50,000 gallons of gasoline. These numbers are approximate.

The prime power source would be natural gas.

The Chair stated that a change in zoning would be required in order for this proposal to move forward.

Fire fighting apparatus is all on site. Ethanol plants do rely on local fire departments and squads to help them, if needed.

Another blend of a clean, domestically produced fuel is known as E85. E85 is 85% alcohol and 15% gasoline. E85 reduces harmful emissions coming out of our tailpipes and reduces CO by 40%. There are 55,000 flexible fuel vehicles in Warren, Sussex, Morris Counties. Currently, there are over 130,000 flexible fuel vehicles in New Jersey that can use this alternative fuel.

Comments by the board:

Michael Black – none.

Tim Gale – supports the idea but against it for Greenwich Township.

Joe Schiller – supports the idea but not a good fit for this location. Would love to have the revenue, but...

Doris Rayna – no. It is not the answer for the future.

Tom Bolger – Ethanol may be the fuel of the future, but based on the conditions of the Greenwich Township, there may be better places to put a plan that are zoned as such within the geographic area.

Frank Marchetta – concur with Tom Bolger's statement.

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Deborah Pasquarelli – support the concept of Ethanol plants. Don't see this as a good match for Greenwich Township as it is presently zoned. There is limited rail access. One whole rail line is in the preservation area. Suspect that there are other sites in Warren County that are more suitable. Concur with Tom Bolger's statement.

Elaine Emiliani – believes it is environmentally more sensitive, but not a good match for Greenwich Township.

Jim Adams – agree with a couple of the comments made by board members. In the future, Jim feels that we are going to have 5 or 6 different types of fuel that we are going to be using, getting away from our oil dependence. Greenwich zoning is a challenge; the area wouldn't be a good fit for this type of facility.

Proposed Sign Ordinance. Peter Jost, Township Attorney, was present and introduced Bill Brinton, Esq., from Jacksonville, Florida. Attorney Brinton has been retained by the township committee to assist the committee in coming up with a new and revised sign ordinance for the township. It is important to bring the sign code up to date in a timely fashion.

Attorney Brinton stated that he has been doing work in New Jersey on sign issues. Attorney Brinton drafted this sign ordinance and is requesting the board's input and comments. Attorney Brinton stated that over the last couple of years, he has become an expert in helping to defend local governments from challenges in court on first amendment grounds seeking to strike down, in its entirety, local sign regulations, to allow signs that are not desirable to be in a community. Attorney Brinton has been helping to develop sign regulations that will withstand any constitutional attack. Attorney Brinton's sign ordinances have never been challenged.

Over time, codes have become obsolete. Greenwich has codes for zoning districts that no longer exist. Sign regulations are based upon esthetics and traffic/pedestrian safety.

Because different temporary signs come in different sizes, Attorney Brinton feels that the township should have a standard size for all temporary signs.

The board and Attorney Brinton reviewed the draft ordinance page by page. As this was quite a lengthy process with numerous comments, the changes will not be included in the minutes but will be included in a revised/amended copy to be presented to the township committee. A revised/amended copy is available for the public to review.

Upon review of the draft ordinance, Deborah Pasquarelli made a motion, seconded by Tim Gale, to recommend to the township committee that based upon the revisions that will be made by the township professionals that the township committee have first

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reading on the ordinance and then adopt it. Once the ordinance is amended, it will also be sent to the Zoning Officer for his comments and forward those comments, if any, to the township committee. The vote is as follows:

IN FAVOR: Adams, Emiliani, Gale, Marchetta, Pasquarelli, Schiller, Rayna, Bolger, Black.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

MP3 Grant. A memo was received from the Highlands Council and they have fully accepted our MP3 Grant submission and it is, technically, complete. Tom Bolger stated that a letter from Mayor Emiliani to the Highlands Council was sent looking to recoup the additional grant funding of \$19,000.00.

Farmland Preservation Plan. Carl Hintz's office received comments from SADC regarding the State's requested revisions to Greenwich's Farmland Preservation and PIG application. The township has 60 days to complete the revisions. The planner will resubmit within the 60 day period.

Open Space Plan. Mayor Emiliani stated that the township committee has authorized the Open Space Committee/Agricultural Board Committee to begin work to create an Open Space Plan.

Highlands Comment letter. A letter was sent to New Jersey Highlands Council with comments on Final Draft Highlands Regional Master Plan.

Matzel and Mumford letter. A letter was received, dated February 7, 2008, from Matzel and Mumford, requesting time on the agenda to review their proposal. The secretary did not receive the letter until February 12, 2008 and the board receiving it on February 13, 2008, the night of the meeting. The board did not have adequate time to review their request and to act upon it. The board instructed the board secretary to contact Matzel and Mumford to inform them that the planning board would act on their letter at the next meeting. Attorney Drill has drafted a letter, edited by Chairman Bolger, to be sent to Matzel and Mumford requesting them to submit some background documents so the planning board will be in a position to understand what precisely M&M is proposing. If provided, it will be reviewed at the April meeting. At the April meeting, based on what has been provided to the board, the board can consult with their professionals and decide upon the next action as to how to address their concern as to what they are asking. Attorney Drill stated that once the information is submitted, it will be reviewed at the April meeting and then the board will decide if they want to hear them in May.

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Doris Rayna made a motion, seconded by Jim Adams, to submit a letter to Matzel and Mumford, as drafted by Tom Bolger. The vote is as follows:

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

Motion carried.

Rules and Regulations. The board has reviewed Rules and Regulations up to Rule 2:3. Voting. Major items discussed were:

Rule 2:3-3. Abstentions . Abstentions are disfavored except for good cause. If a member didn't have time to review information that was sent to them, if a vote is called, Attorney Drill stated that they should not abstain, but they should walk out of the room or recuse themselves and let an alternate that has read the material vote. If you are not prepared for the meeting, Attorney Drill stated don't show up.

Rule 2:4-3. Inability to Make Verbatim Record. If a verbatim record cannot be made, as where recording equipment is inoperable, the Board shall continue the hearing to another date. The MLUL states that all meetings are suppose to be recorded.

Rule 3:1-3. Written Resolution. Attorney Drill e-mails the Resolution to the chair and copy the board secretary. The secretary then forwards it to the board members.

Rule 4:3-1. Disqualification. Attorney Drill states "when in doubt, step out". The Chair proposed to the board secretary that a map of the township be provided to the attorney and put indicators of where all board members live.

Deborah Pasquarelli made a motion, seconded by Joe Schiller, to adopt the Rules and Regulations, as amended, as per the board's conversations over the last three (3) meetings. The vote is as follows:

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

Motion carried.

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Jim Adams made a motion, seconded by Elaine Emiliani, to adjourn the meeting. Motion carried with an affirmative “aye” vote. Meeting adjourned at 11:35 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman