

June 13, 2007

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, Dave Barretto, Helio Carvalho, Elaine Emiliani, via telephone, Tim Gale, Ken Hoser, Doris Rayna, Tom Bolger, Charles Stillman. Also present were Michael Finelli, PE., William Edleston, Esq., and David Banisch, Planner. Roy North arrived at 7:40 p.m.

Jim Adams made a motion, seconded by Doris Rayna, to adopt the minutes of the May 09, 2007 meeting. The motion carried with the following roll call vote:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

Public hearing – Investigation for determination of redevelopment area of the Greenwich School on North Main Street and Municipal Building/Fire Station. A copy of the notice was published in the Easton Express and Star Ledger for two consecutive weeks and notice was mailed to Greenwich Township as the last owner on record, according to a certified list provided by the tax assessor. Attorney Edleston reviewed the notice and found that notice has been given properly and in a timely and adequate manner, under the State statute, giving the Board jurisdiction to conduct a public hearing.

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Doris Rayna, as a close neighbor to the old school, recused herself from discussion regarding the old school, but would be qualified to listen to the municipal building/fire station portion of the hearing.

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

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Bolger,
Stillman.
OPPOSED: None.
ABSTAINED: None.
RECUSED: Doris Rayna

Motion carried.

David Banisch stated that in December 2006, the Greenwich Township Committee authorized the planning board, by resolution, to conduct a preliminary investigation to determine whether the properties in question, Block 23, Lot 31.01, containing the municipal building and fire station and Block 23, Lot 12, containing the Greenwich Township School, qualifies as a redevelopment area and whether the properties in question could be designated an area in need of rehabilitation.

A preliminary investigation report of the Greenwich Township School, the Municipal Building and Fire station was prepared by the planning board, with technical assistance from Banisch Associates, Inc., dated May 2007 and was the subject of the public hearing. The findings of the report are as follows:

- The municipal building site may be designated an “Area in Need of Redevelopment”, but not an “Area in Need of Rehabilitation”. This is because the investigation and site conditions reveal that certain statutory criteria needed for the designation of rehabilitation area are not satisfied. That necessary criterion is that there exists a pattern of vacancy, as more fully described in the report.
- The Greenwich Township School site may be designated either an “Area in Need of Redevelopment”, or an “Area in Need of Rehabilitation”. In the case of the school site, the conditions found to exist qualify the site for either designation.

The chair addressed the public for their comments. The following comments were heard:

Michele Morrison, North Main Street. Ms. Morrison asked Mr. Banisch to explain the procedure and if separate designations were done on the two

properties. Mr. Banisch stated the purpose of the public hearing is to focus on the statutory criteria to designate a site, evaluate a site and conclude one way or another, whether they should recommend to the governing body the designations of the two sites as set forth in the reports. In the case of the Municipal Building/Fire Station, only the redevelopment area designation conclusion has been reached. In the case of the school site, it is both an area in need of redevelopment and rehabilitation. Each site has a separate designation and report. Mr. Banisch stated that Resolutions will be drafted accordingly, separating the two sites with separate recommendations. Ms. Morrison was under the impression that selling the old school was a better way to go. Mr. Banisch stated that there are certain advantages that the municipality can offer a perspective developer once an area, or site, has been designated for redevelopment. It includes tax abatements and an arrangement known as payment in lieu of construction. This agreement is between the redeveloper and the governing body. Those are two funding mechanisms that could assist in the rehabilitation or redevelopment of a particular site. There is a separate and somewhat more involved process that could involve municipal financing through the issuance of bonds, depending on the size of the redevelopment area. Nothing like that is being proposed here, but it is allowable in the State statute. If the planning board concludes that the two sites should be recommended, as set forth in the conclusion statement of each of the two reports, and following this, that the governing body decides that they want to designate either one, or both, of the two sites as an area of redevelopment or an area of rehabilitation and if the governing body would like to take it a step further and prepare a redevelopment plan. Ms. Morrison stated that when that investigation takes place, where they are actually looking at the financial advantages, she is assuming that there are financial advantages that the board is expecting, or anticipating, because that would go into the decision to pursue a redevelopment as opposed to a rehabilitation. Mr. Banisch stated that there is preferential funding treatment from the NJ Department of Community Affairs if it is an area in need of redevelopment vs. an area in need of rehabilitation.

Ms. Morrison asked that if the township committee does go ahead and pursue the restoration of the old school, would the redevelopment affect funding that the township would get from the small cities program for ADA compliance. Mr. Banisch stated that in the small cities program, there are three fundamental objectives by which projects can qualify for funding, one of which is projects that benefit the elderly or disabled. Another is projects that serve population base or service population, if 51% or more, low or moderate income. The third area of qualification is to fund the projects that eliminate slums and blight.

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In summary, Mr. Banisch stated that the conclusions are set forth in the report. In the case of the school, it was concluded that the site qualifies as an area in need of rehabilitation and an area in need of redevelopment. In the case of the municipal building/fire station site, the site qualifies as an area in need of redevelopment.

Elaine Emiliani stated that she is concerned that the downtown area will be targeted for COAH. Mr. Banisch stated that the designation is just limited to one particular site. In so far as an area being targeted by COAH, that is all dependent on the municipalities Housing Element and Fair Share Plan, which is prepared by the planning board and has been prepared, and it is endorsed by the governing body and sent to COAH with a petition requesting substantive certification. That plan identifies the affordable housing sites in the township. When you say "targeted", it would have to be identified in the plan. As such, that is not the case in the adopted Housing Plan Element and Fair Share Plan. At this time, Mr. Banisch stated that in the substantive certification process, it is very likely that COAH is going to require the planning board to revise its Fair Share Plan in accordance with the new rules and projections and dependant upon the certain affordable housing mechanisms that are identified in the plan. It could be concluded by the planning board or governing body that the school site may be an appropriate redevelopment alternative and include a affordable housing component in it. It might be easier to fund if that designation was in place. In the Housing Plan, you can designate certain projects that would serve the elderly, which is consistent with COAH rules. David does not foresee COAH eliminating any provisions that grant municipal credit for some amount of affordable housing that addresses the needs of the elderly.

Upon hearing no further comments, Jim Adams made a motion, seconded by Tim Gale, to close the public hearing. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Bolger,
Stillman.

OPPOSED: None.

ABSTAINED: None.

RECUSED: Doris Rayna

Motion carried.

Dave Barretto made a motion, seconded by Helio Carvalho, to make a recommendation to the governing body of Greenwich Township that it is the planning board's conclusion that conditions at the Greenwich Township School respond to the statutory criteria and rise to the level of designation both in an area in need of rehabilitation and an area in need of redevelopment. It is the planning board's findings that the site may be designated accordingly. The vote is as follows:

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IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Bolger,
Stillman.

OPPOSED: None.

ABSTAINED: None.

RECUSED: Doris Rayna

Motion carried.

Helio Carvalho made a motion, seconded by Tim Gale, to make a recommendation to the governing body of Greenwich Township that it is the planning board's conclusion that conditions at the Greenwich Township Municipal Building/Fire Station respond to the statutory criteria and rise to the level of designation of an area in need of redevelopment. It is the planning board's findings that the site may be designated accordingly. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Bolger,
Stillman, Rayna.

OPPOSED: None.

ABSTAINED: None.

Motion carried.

David Banisch stated that the next step would be, assuming the township committee chooses to move forward, there would be a redevelopment plan needed and the State Statute provides that either the planning board or the governing body can prepare the redevelopment plan. If the planning board prepares the plan and sends it up to the governing body, the governing body may amend it and not have to send it back to the planning board prior to adoption and enactment as an ordinance. The other option would be that the governing body could chose to prepare the plan, send it down to the planning board for review and comment, and then send it back to the governing body. This process is similar to ordinance review.

Draft Farmland Preservation Plan. A draft plan, dated June 2007, was prepared by David Banisch and as previously discussed with the board, Mr. Banisch stated that the SADC is in the process of adopting new rules and updated requirements for a Municipal Farmland Preservation Plan. SADC has advised that their guidance document will provide specific direction to municipalities for addressing the new requirements in the rule, which is to be adopted on June 20, 2007. The guidance document has not yet been made available, but is expected to be released around the time the new rule becomes effective this month. The chair stated that the plan is a good "first shot", but it doesn't make sense for the board to do a thorough review of it until the plan has been finalized. Mr. Banisch will review that and make the appropriate changes to the draft plan as per

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the newly adopted rules by SADC. Mr. Banisch stated that the first draft is like the “first chapter of the plan”. The second chapter will be addressing the administrative code requirements. The chair stated that the RCD ordinance contained within the plan has already been adopted and is in place. Mr. Banisch stated that this document will be submitted to the State and the township is going to prove to them that the land use policies in the township really do support and encourage agriculture and that there is “teeth” in the ordinance that are meaningful regulations to retain farmland and to preserve it.

Upon hearing no questions from the board, the chair stated that this Farmland Preservation Plan will be put on the list of scheduled deliverables that need to get done in the time frame for completion. The chair had requested a list of action items of what the planning board has to do and to keep track of them. A schedule of deliverables/timeframe, dated June 13, 2007, was prepared by David Banisch. This is a starting point in response to the chair’s request. The items mentioned in Mr. Banisch’s memo are:

- Ordinance Amendments
- Farmland Preservation Plan Element of the Master Plan
- Redevelopment Planning

Ordinance update. Mr. Banisch stated, in his memo of June 13, 2007, his memo in March identified a “Zoning, Subdivision and Site Plan Ordinance update”, which consists of a comprehensive review of the township’s land use ordinances; ordinance amendments that the planning and zoning departments have identified; identification or ordinance provisions that are inconsistent with the current Master Plan and Zoning Map.

Conformance with the Regional Master Plan (RMP) and the Highlands Council’s model ordinances will be required to conform to the Plan. Once the RMP conformance process begins, Greenwich will be required to conform its ordinances to the RMP, or the Preservation Area portion of the Township as required in the Highlands Act. The question is how much time and money does the board want to put in to revise the ordinances now if, in fact, there is a high certainty that in the not to distant future we will be amending the ordinances again to become consistent with the RMP.

Jim Adams feels that the ordinances should be reviewed and updated. This has been the board’s plan to attempt, as best as possible, to align the ordinances with the Highlands. David Banisch stated that the ordinances which the board prepared weren’t reviewed, or blessed, by the Highlands staff. They were consistent with the Land Use Plan that the board adopted and, as the chair stated, was in line with the Highlands Plan.

Michael Finelli stated that it should be clear to all members of the board that the township has not done wholesale ordinance amendments in a long time. There are some “pre-

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historic” sections in the code. There are some statutory ordinance changes that have occurred which the township’s ordinances are in direct conflict. Two of them are the RSI standards and Stormwater Management standards. They have nothing to do with the Highlands Plan or the Master Plan, but they are more of a technical aspects of the ordinances. The ordinance update is not just about the Highlands Plan. Dave Barretto, Zoning Officer, stated that he has been asking for years to have the ordinances looked at. In our current ordinances, there are a lot of outdated stuff that needs updating. The board has to look at the whole picture. The chair is in agreement that a review is needed of all the ordinances. Elaine Emiliani stated that money has been put aside, according to the CFO. Greg Blaszk, Committeeman, was present and stated that, in the past, these issues fall under the Master Plan and can be appropriated over a period of 5 years. To get this ordinance review going, a subcommittee was formed of the following: Dave Barretto, Zoning Officer, Planning Board Secretary, Michael Finelli, Dave Banisch, Attorney Edleston.

Elaine Emiliani made a motion, seconded by Doris Rayna, to form a subcommittee, consisting of the above, to perform the initial review and make the base recommendations for where the changes might be and that the professionals would develop the recommendation changes to be brought forth before the planning board. The vote is as follows:

IN FAVOR: Adams, Barretto, Carvalho, Emiliani, Gale, Hoser, Rayna, Bolger, Stillman.
OPPOSED: None.
ABSTAINED: None.

Motion carried.

The chair stated that he would like to see the scheduled of deliverables updated on a monthly basis. David Banisch stated that he will provide a monthly update.

Meetings: From the Warren County Environmental Commission, on June 28, 2007 at 7:30 p.m. in the Rutgers’s Cooperative Extension meeting room, Wayne Dumont Administration Building, Christine Hall, Director of the RC&D Council, will be the guest speaker. Ms. Hall will provide an overview of the Council’s special projects they are currently undertaking, various funding grants available and reports and studies they have completed regarding our natural environment.

Department of Land Preservation, Oxford, NJ, will hold a meeting on June 21, 2007 at 7:00 p.m. The purpose of the meeting is to gather municipal leaders together with representatives of the Warren County Agriculture Development Board so that we may better understand your views on farmland preservation in Warren County. Committeeman Greg Blaszk has requested that David Banisch, Planner, attend this

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meeting. Mr. Banisch stated that he has something on his calendar for that evening, but he may ask someone else in his office to take that other commitment for that evening, enabling Mr. Banisch to attend the meeting in Oxford. The chair stated that representation is needed.

Elaine Emiliani attended the Public Hearing for Warren County's Cross-Acceptance Report on May 16, 2007. Map amendment booklets were handed out. David Banisch stated that there is a 30 day comment period following the public hearing date. If there is something in the documents that the board should be made aware of or comment on, that can be done during that 30 day comment period. David will review the documents.

General discussion. Tom Bolger discussed the wildflowers to be planted in the open space in the Wyndham Farm development. Mr. Bolger stated that the township lost opportunity to get grants, but is hopeful that it will come up again next year. After discussion with Elaine Emiliani, next year the Environmental Commission will put together a presentation and present to the planning board, for their recommendation, on how they want to move forward.

Elaine Emiliani made a motion, seconded by Jim Adams, to adjourn the meeting. Motion carried. Meeting adjourned at 8:40 p.m.

Elva N. Pomroy
Planning Board Secretary

Tom Bolger
Chairman