

**WASHINGTON BOROUGH PLANNING BOARD
MINUTES OF REGULAR MEETING HELD ON
JUNE 11, 2012**

The regular meeting of the Washington Borough Planning Board was called to order by Chair VanDeursen at 8:00 P.M. in the second floor Court Room/Council Chambers of the Borough Hall. Chair VanDeursen read the following statement into the record: "The requirements of the "Open Public Meetings Law", P.L. 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law." Chair VanDeursen led the Board in the Pledge of Allegiance.

ROLL CALL:

Present:	Valentine, Post, Aron, McDonald, Turner, Frascella, Stone, VanDeursen
Absent:	Pohorely
Also Present:	Steven Gruenberg, Attorney Bill Gleba, Board Engineer Susan Gruel, Board Planner

APPROVAL OF MINUTES:

Meeting of May 14, 2012: No comments. Therefore, it was moved by McDonald seconded by Aron to approve the minutes.

ROLL CALL: Valentine, Post, Aron, McDonald,
Turner, Frascella, Stone, VanDeursen
Ayes: 6; Nays: 0; Abstentions: 2(Turner, Stone)
Motion carried.

RESOLUTION: None

APPLICATIONS:

Washington Square – Amended subdivision and site plan for COAH units:

Larry Cohen represented the applicant. The application was deemed incomplete at last meeting. Updated review report dated 6/6/12 was received from the Board Engineer and a report was received from the Board Planner dated 6/7/12. Mr. Cohen stated that the applicant was under the impression that they are still waiting for a decision from COAH. The report from the Board Planner had a decision letter attached dated October 2010 stating no contributions in lieu of onsite housing. Feels this is just an opinion not a decision.

Engineer review letter completeness items: pages 4 & 5

Item 1 a,b,c: waiver requested

Item 2 a,b: waiver requested

Item 3 a,b,c: waiver requested

Andrew Turner asked when the information would be provided. Mr. Cohen stated that the items requested as waivers for completeness only will be provided upon approval.

Therefore, it was moved by Aron, seconded by Valentine to deem the application complete with the waivers requested.

ROLL CALL: Valentine, Post, Aron, McDonald,
Turner, Frascella, Stone, VanDeursen
Ayes: 8; Nays: 0; Abstentions: 0
Motion carried

Public hearing:

Attorney Gruenberg stated that adequate notice was provided. Mr. Cohen requested the COAH issue be discussed at this time.

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Susan Gruel reviewed the prior issues with COAH and stated that the preferred method was for money to be deposited into the housing account in lieu of units being built on site. After approvals, the opinion was received from COAH stating no exception for this situation meaning units need to be built on site. A memo was sent to Council with this information. Issue was left as is. Cannot waive per Sarlo bill. Does not feel there is any option unless there is a change to the law. Dan Aron asked what happens if the Board does not follow and continues to take money instead of units being built. Attorney Gruenberg stated that it would subject the Borough to a lawsuit. Mr. Cohen stated again that he feels the memo was an opinion only not a decision. The applicant has been paying \$11,000 per unit since the start of construction.

Attorney Gruenberg stated that the applicant should take some time to review and the Board could discuss in executive session possible litigation regarding the COAH decision. Andrew Turner asked that the COAH issue be reviewed from the beginning. Mr. Cohen reviewed the history regarding this application.

Ray Rice came forward and was sworn in. He stated that they ultimately want to file a plan with all market rate units. Have paid \$300,000 to date. They would like to continue the public hearing without notice until July 9, 2012, meeting. Need time to review.

Attorney Gruenberg announced to the audience that the public hearing would continue to the next meeting without additional notice. Dan Aron asked if COAH looks at the individual needs of towns. Attorney Gruenberg stated that they do not.

Motion by Post, seconded by Aron, to move into Executive Session to discuss possible litigation regarding COAH decision. All in favor.

Motion by Turner, seconded by Post to move out of Executive Session. All in favor.

Motion by Post, seconded by McDonald to direct Board Attorney to write a letter to the applicant regarding how they wish to proceed with the funds in escrow. All in favor.

OLD BUSINESS: None

NEW BUSINESS:

Deadlines & procedures for review of applications: The Board Clerk stated the reason for the discussion. Bill Gleba stated that he had reviewed the forms located on the Borough website and offered the following comments:

Forms – should be all or none on the website. Suggested the site plan application be removed until such time that the checklists and all forms are ready to be placed on the website. This should avoid any confusion from applicants stating they could not find particular forms.

Schedule – the deadline schedule should be adhered to and be on the website for applicants. Should waive the \$1 copy fee.

Instructions – an information sheet with instructions for the applicants would be helpful.

Submissions – separate remittances to the professionals should end and all information should be sent to the clerk first

Motion by Valentine, seconded by Aron to waive the \$1 copy fee on the deadline schedule. All in favor.

REPORTS OF OFFICERS AND COMMITTEES: None

UNAGENDIZED STATEMENTS:

No audience. Public portion closed.

COMMUNICATIONS: None

ADJOURNMENT:

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by Patricia L. Titus, Planning Board Clerk