

INDEPENDENCE TOWNSHIP COMMITTEE
Meeting held at the Municipal Building, Great Meadows, NJ.
May 9, 2017 7:00 p.m.

This is a regular meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: "Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Star Gazette and The Express Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk." The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

ROLL CALL:

Present: Mayor Robert Giordano, Deputy Mayor Cogle, Carmen Feula, Mike Pennington, Bonnie Kelsey, and Debi Hrebenak. Also present Attorney Leslie Parikh and Township Engineer Michael Finelli.

Absent: None recorded.

Appointment to IMUA – Leon Hall

Consent Agenda:

Resolution 17-43: Tricky Tray Raffle

WHEREAS, New Jersey Civic Youth Ballet is registered by the State of New Jersey to operate legalized games of chance, (181-5-35863) and,

WHEREAS, they have submitted an application for a Tricky Tray Raffle to be held on September 24, 2017 and all fees have been paid,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Independence, that RA# 442 be issued to New Jersey Civic Youth Ballet.

Deputy Mayor Cogle made a motion to approve Resolution 17-43 as written. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington and Mayor Giordano

Nays: None recorded

Abstain: None recorded

Motion carries with five (5) affirmative votes.

DEPARTMENT REPORTS:

Tax Collector – Report submitted

Construction/Zoning – Report submitted.

Environmental –Report submitted

Recreation/Green Acres – Report Submitted.

Police – Report submitted.

Emergency Services – No Report

DPW – Report submitted.

Municipal Clerk: Report submitted

Land Use Board – Report submitted

Board of Education –Report submitted

.PROFESSIONAL REPORTS:

Attorney Parikh: Report submitted.
Engineer Mike Finelli: Report submitted.

OLD BUSINESS:

Second reading of Ordinance 2017-04

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 255, LAND DEVELOPMENT, ARTICLE XII, SECTION 255-85, NONCONFORMING USES, STRUCTURES AND LOTS, AND SECTION 255-89, LOT USES, RESTRICTIONS AND MODIFICATIONS, OF THE ORDINANCES OF THE TOWNSHIP OF INDEPENDENCE

Deputy Mayor Cogle made a motion to open up discussion on this ordinance to the Public. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes

As there were no comments, a motion was made by Deputy Mayor Cogle to close the public hearing. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

A motion was made by Mr. Feula to adopt Ordinance 2017-04 as written. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Second reading of Ordinance 2017-06

BOND ORDINANCE TO AUTHORIZE FUNDING FOR THE CONSTRUCTION COSTS AND OTHER ASSOCIATED COSTS (INCLUDING WITHOUT LIMITATION LEGAL, ARCHITECTURAL, ENGINEERING AND FINANCING COSTS) OF IMPROVEMENTS TO MUNICIPAL ROADS (HIGHLAND ROAD AND CRESTWOOD ROAD), IMPROVEMENTS AND RENOVATIONS TO MUNICIPAL FACILITIES, PURCHASE OF POLICE DEPARTMENT EQUIPMENT AND PURCHASE OF FIRE DEPARTMENT EQUIPMENT, AS FURTHER DESCRIBED IN SAID ORDINANCE, BY THE TOWNSHIP OF INDEPENDENCE, WITH A TOTAL NEW APPROPRIATION OF \$240,000, CONSISTING OF A DOWN PAYMENT OF \$15,000 AS REQUIRED BY LAW, AND BONDS OR NOTES WHICH SHALL BE GENERAL OBLIGATIONS OF THE TOWNSHIP IN THE AMOUNT OF \$225,000.

Mr. Feula made a motion to open up discussion on this ordinance to the Public. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: Mr. Pennington
Motion carries with four (4) affirmative votes

As there were no comments, a motion was made by Deputy Mayor Cogle to close the public hearing. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, and Mayor Giordano
Nays: None recorded
Abstain: Mr. Pennington
Motion carries with four (4) affirmative votes.

A motion was made by Mr. Feula to adopt Ordinance 2017-06 as written. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, and Mayor Giordano
Nays: None recorded
Abstain: Mr. Pennington
Motion carries with four (4) affirmative votes.

Introduce/First Reading of Ordinance 2017-08

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF INDEPENDENCE, SPECIFICALLY "LAND USE, CHAPTER 255" OF THE GENERAL ORDINANCES OF THE TOWNSHIP PERTAINING TO "DEFINITIONS," "PERMITS," "PRINCIPAL BUILDING HEIGHT," AND "ACCESSORY STRUCTURES."

SECTION I – LAND USE, CHAPTER 255, of the Ordinances of Independence Township, ARTICLE I, §255-3.B, "Definitions" is hereby amended and supplemented, as follows:

1. Replace the existing definition of "Basement" by replacing it with the following new definition for "Basement," as follows:
"BASEMENT That portion of a building partly below and partly above grade, where the ceiling averages four feet (4') or more than four feet (4') above the finished grade where such grade meets the outside walls of the building. (see story)"
2. Replace the existing definition of "Building, Height of" by replacing it with the following new definition for "Building, Height of," as follows:
"BUILDING, HEIGHT OF Shall mean the vertical distance from grade to the top of the highest roof beams of a flat roof, or highest gable or peak of a hip roof. Height of structure shall be measured as follows (See Figure 1, "Building Height" at the end of this chapter.):
 - A. For a new building within a newly approved subdivision, height shall be measured from finished grade. Finished grade shall be based upon the approved subdivision grading plan, which shall be shown on the building permit plot plan to be approved by the Township Engineer.
 - B. For a new building not within a newly approved subdivision, height shall be measured from finished grade. However, if finished grade is more than three feet above existing grade, height shall be measured from a reference plane representing a level three feet above existing grade. The correct reference plane from which to measure shall be determined by comparing

the calculated existing grade to the calculated finished grade.

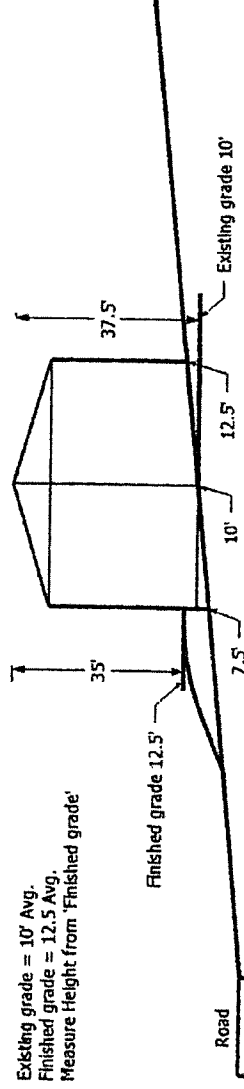
C. For an existing building, including an addition to an existing building, height shall be measured from finished grade.

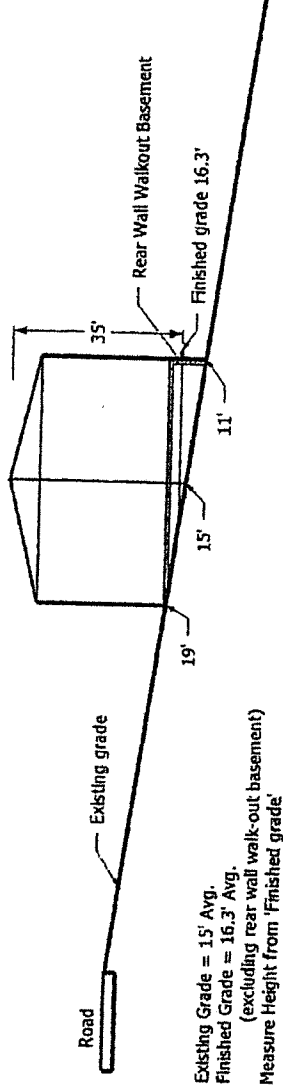
D. When measuring height of structure, the following rules shall apply:

- (1) The term "grade" shall mean reference plane representing the average ground level adjoining the building at all exterior walls. "Existing grade" shall mean the existing, pre-disturbance grade and "finished grade" shall mean the proposed, post-construction grade.
 - (2) "Average ground level" shall be calculated using measurements taken 10 feet apart.
 - (3) For a residential structure with a walk-out or day-light rear basement or cellar wall with a minimum four-foot exposure above finished grade, the rear wall shall be excluded when calculating the average ground level, provided that on a corner lot or through lot, screening shall be provided to lessen the visual impact of the rear wall on the street, consistent with Subsection 255-88.B."
3. Add the following new definition for "Clear Zone," as follows:
"**CLEAR ZONE** – shall mean a level area adjacent to a principal or accessory building, which is 20' in width measured parallel to the building, from which emergency service (fire and rescue) may obtain access to the roof by ground-based ladder. Such access point or clear zone shall be available adjacent to at least one exterior wall of each principal or accessory building."
4. Replace the existing definition of "Story" by replacing it with the following new definition for "Story," as follows:
"**STORY** That portion of a building included between the surface of any floor and surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, including those basements used for the principal use.
- A basement shall be considered a "story" when the distance from grade to the finished surface of the floor above the basement is more than six feet (6') for more than fifty percent (50%) of the total perimeter, or is more than twelve feet (12') at any point."
5. Add the following new definition for "Story, Half," as follows:
"**STORY, HALF** A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet (3') above the floor level and in which space the possible floor area with headroom of five feet (5') or less occupies at least forty percent (40%) of the total floor area of the story directly beneath. Half stories shall not be used for residential occupancy except in the case of detached single family dwellings."

6. Add the following diagram entitled "Figure 1, 'Building Height' at the end of Chapter 255:

Land Development
255-Figure 1.
Building Height





SECTION II – LAND USE, CHAPTER 255, of the Ordinances of Independence Township, ARTICLE I, §255-22, “Permits” is hereby amended and supplemented by repealing existing §255-22.A. and replacing it with the following new §255-22.A., as follows:

“A. Zoning permit. Any person seeking to change a use or to erect, construct or reconstruct a structure shall apply to the Zoning Officer for a zoning permit.

Each application for a zoning permit shall be accompanied by a fee in accordance with the following schedule:

	<u>Application Type</u>	<u>FEE</u>
(a)	Renovations and accessory buildings/Structures not exceeding an estimated cost of \$10,000:	\$35
(b)	Renovations and accessory buildings/structures in excess of an estimated cost of \$10,000:	\$50
(c)	New residential dwelling or per building for townhouses and condos:	\$100
(d)	Commercial buildings: construction, renovations, alterations and/or change of use not exceeding estimated cost of \$100,000:	\$75
(e)	Commercial buildings: construction, renovations, alterations and/or change of use estimated to exceed the cost of \$100,000:	\$100

SECTION III – LAND USE, CHAPTER 255, of the Ordinances of Independence Township, ARTICLE VII, Entitled “Zoning,” §255-89.O, “Accessory structures,” subsections (4), (5) and (6) are hereby amended and supplemented by repealing existing §§255-89.O.(4), (5) and (6) and replacing them with the following new §§255-89.(O)(4), (5) and (6) as follows:

(4) An accessory structure (building) on a single-family residential parcel shall have a side yard and rear yard setbacks in accordance with the following schedule. An accessory structure in a nonresidential parcel shall meet the side and rear yard requirements of the principal building.

Side yard	Less than 1 acre to 3 acres	3 to 4 acres	Greater than 4 acres
Rear yard	10 feet	30 feet	40 feet
	10 feet	30 feet	

Note: Pools (above and in-ground) shall be accessory structures as are any associated decks or patios.

(5) Accessory structures shall be at least ten feet (10') from a principal building and at least six feet (6') from another accessory building. Residential pools and associated decks and patios are exempt from this provision.

(6) Accessory structures, except those used in connection with agricultural uses as

described in 255-3, shall not exceed the square footage or quantity in accordance with the following schedule:

	Existing lots less than 1 acre	Lots 1 to 3 acres	Lots 3 to 4 acres	Lots 5 acres or greater
Square footage	500	750	950	Not greater than principal building
# of buildings	2	2	2	3

Note: Where the accessory buildings are deemed to be ancillary of a farm, item (6) shall not apply.

SECTION IV – LAND USE, CHAPTER 255, of the Ordinances of Independence Township, ARTICLE VII, §255-90, entitled “Height Restrictions and Exceptions,” is hereby amended and supplemented by repealing existing §§255-90.A. & B. and replacing them with the following new §§255-90.A. & B., as follows:

“A. Height of principal buildings

(1) In a residential zone (except on a farm) no principal building shall exceed thirty-five feet (35’) in height and two and one-half (2.5) stories with one side being the maximum height of twenty-eight feet (28’) from grade to the eave of the maximum height roof.

(2) In all zones there shall be established a clear zone at the perimeter of any principal or accessory structure such that emergency service (fire and rescue) may obtain access to the roof by ground-based ladder. Such access shall be available from at least one such clear zone access point for one exterior wall of the said building.

In the case of a nonresidential building, the Land Use Board may waive this requirement provided that the building is serviced by an approved fire suppression sprinkler system.

B. Height of accessory structures. Except on a farm, no accessory building shall exceed eighteen feet (18’) in height and one and one-half (1.5) stories. On a farm, the height limitation of accessory structures shall be the same as the principal building or thirty-five feet (35’).”

SECTION V – LAND USE, CHAPTER 255, of the Ordinances of Independence Township, ARTICLE I, §255-3, Definitions is hereby amended and supplemented by

SECTION VI- All other provisions of Chapter 255– Zoning, of the Ordinances of Independence Township not modified herein shall remain unchanged and in full force and effect.

SECTION VII- If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION VIII- This ordinance may be renumbered for codification purposes.

SECTION X- This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Warren County Planning Board.

A motion was made to introduce Ordinance 2017-08 by Deputy Mayor Cogle. Mr. Feula seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Second Reading and Public Hearing will be held at the June 13, 2017 meeting.

No workshop meetings for the months of July and August 2017

PUBLIC COMMENT: None

BILLS: A motion was made by Mr. Feula to pay the bills as presented. Mrs. Kelsey seconded the motion with roll call as follows:

Ayes: Mr. Feula, Mrs. Kelsey, Mr. Cogle, Mr. Pennington, and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

ADJOURNMENT: A motion was made by Mr. Feula to adjourn the meeting at 8:00 p.m. Mayor Giordano seconded the motion with roll call as follows:

Ayes: Mr. Cogle, Mr. Feula, Mrs. Kelsey, Mr. Pennington and Mayor Giordano
Nays: None recorded
Abstain: None recorded
Motion carries with five (5) affirmative votes.

Respectfully submitted,

Deborah M. Hrebenak, RMC
Municipal Clerk/Administrator