

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – November 21, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, November 21, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:35 p.m. and he stated that the meeting is being held in accordance with the Open Public Meetings Act by posting said notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star Gazette of Hackettstown, NJ and sent to the Express Times of Easton, PA.

ROLL CALL:

Present:	Muriel Walter	George Ulmer
	Mark Rafalko	Geoffrey Cullen
	Glen Cogle	Ricardo Fernandez

Absent:	Robert Best	Carmen Feula
	Donald Engels	James Kelsey
	Tim Norton	Melissa Milano

Also Present:	William Gold, Esq.	Kevin Smith, PE
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MINUTES:

The minutes from the October 17, 2016 meeting were distributed prior to the meeting.

Mr. Ulmer made the motion to adopt the minutes. Motion seconded by Mrs. Walter. Roll call vote: Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, and Mr. Cogle.

Nays: None recorded

Abstain: Chairman Fernandez, who was not present at the October meeting and he is not eligible to vote on the minutes.

OLD BUSINESS:

#11-001 Woodmont Independence LLC (formerly Bilby Estates) Block 3, Lot 6.02

The Board reviewed the status of the matter. The Board agreed to carry the matter to the next meeting so that the Board can review the status of the application with the Applicant's Counsel.

NEW BUSINESS:

#16-005 Top of the Hill, Block 15.03, Lot 11.02-Completeness

Michael Selvaggi, Esq. was present on behalf of the Applicant and he addressed the completeness items, which were outlined in Board Engineer Smith's review letter of November 16, 2016 report, which the Board and the Applicant reviewed. The Board discussed whether a "Use Variance" is going to be required.

Mr. Cullen made the motion to deem the application complete, with the understanding that the missing information will be supplied at least 10 days prior to the Board's December meeting. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Cogle and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Chairman Fernandez stated that Board Planner Banisch was not feeling well today and hopefully the Board will get an update at the next meeting.

Kittatinny Valley State Park, Kenco/Wetlands Mitigation Block 29, Lot 28-Status

Board Attorney Gold reviewed the status of the next meeting scheduled for Monday, December 19, 2016. The Board discussed who would attend the meeting. A member of the public questioned the matter, which the Board discussed.

Litigation

Board Attorney Gold stated that they have not heard back from Judge Purcell as of yet.

DISCUSSION:

Site Plan Committee Report

None

Ordinance Subcommittee Update

None

Ordinance Discussion

The Board reviewed the October 20, 2016 Memo from David Diehl. After a discussion, the Board agreed to recommend to the Township Committee that 255-85 "F" be repealed, so that non-conforming lots would have to come to the Board for relief.

Mr. Ulmer made the motion to recommend that 255-85 "F" be repealed. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Cogle, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

The Board then went on to discuss Accessory Structures and Uses. The Board agreed to have Mr. Rafalko, Mr. Cullen and Mr. Norton review the matter and come back with a recommendation on Ordinance 255-890.

Master Plan Subcommittee Update

None

BILLS:

William Gold

Re: General 618.75

Re: Top of the Hill 123.75

Mr. Ulmer made the motion to approve the vouchers. Motion seconded by Mrs. Walter. Roll call vote in favor:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Cogle, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting. Voice vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Cogle, and Chairman
Fernandez.

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Alfia Schemm
Board Secretary
12/19/16