

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – February 8, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, February 8, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:35 p.m. and he stated that the meeting is being held in accordance to 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	Carmen Feula
	Ricardo Fernandez	George Ulmer
	Donald Engels	James Kelsey
	Geoffrey Cullen	Mark Rafalko
	Tim Norton	

Absent:	Melissa Milano	Glen Cogle
	Robert Best	

Also Present:	William Gold, Esq.	Kevin Smith, P.E.
	Mayor Robert Giordano	Township Clerk Deborah Hrebanak
	Tara St. Angelo, Esq.	

MINUTES:

The minutes from the January 11, 2016 meeting were distributed prior to the meeting.

Mr. Kelsey made the motion to adopt the minutes. Motion seconded by Mrs. Walter. Roll call vote: Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, and Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Norton who was not present at the January meeting and is not eligible to vote on the Minutes.

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public, for non-agenda items. With there being no public comment, the meeting was closed to the public.

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Tara St. Angelo, Esq. was present and she updated the Board on the status of the case management conference, the numbers trial, and the appointment of a Special Master. She stated that the immunity date deadline is now set for July 31, 2016. Mayor Giordano expressed his concerns over complying with the requirements, when the ability to develop areas that have water and sewer, have been taken away from them. Chairman Fernandez stated that he thinks that the numbers will change. The Board continued to discuss the issues.

EXECUTIVE SESSION:

Mr. Norton made the motion to go into Executive Session at 8:17 p.m. to discuss litigation. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.
 Nays: None recorded
 Abstain: None recorded

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of Independence, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: February 8, 2016

Mr. Norton made the motion to come out of Executive Session at 8:48 p.m., with no action taken. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.
 Nays: None recorded
 Abstain: None recorded

At 8:49 p.m. the Board took a brief recess. Mayor Giordano, Attorney St. Angelo, and Ms. Hrebanak left. The regular meeting resumed at 8:56 p.m. With the following Board Members present: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

OLD BUSINESS:

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

This matter continued to be carried.

NEW BUSINESS:

#16-001 Top of the Hill, LLC, Block 15.03, Lot 11.02-Conceptual

Michael Selvaggi, Esq. was present on behalf of the Applicant. He stated that they were present a few months ago with a subdivision, which has been perfected. He stated that they are here this evening to present a conceptual plan for new Lot 11.02. He stated that the proposal is for a permitted trucking terminal.

Rick Roger described the proposed trucking terminal that will take care of their rental fleet. The proposed building will allow them to do minor repairs and there will be parking for rental/leased trailers that may be full or empty. The Board and the Applicants discussed whether the use is permitted use. A review letter from Board Engineer Smith, dated February 8th, 2016, was discussed. The Board felt that the proposal, as presented, is a permitted use; however, they stated that the Applicant can always apply for a formal Interpretation if they wish.

The Applicants proceeded with their conceptual plan and James Glasson of Civil Engineering displayed a rendered drawing and he described the proposal. The Board discussed the lighting, gravel parking, curbing, and the parking layout and delineation.

#16-002 Robert Meidling, Block 1, Lot 67.05-Completeness

Chairman Fernandez noted Board Engineer Smith's Completeness Review Report of February 5, 2016. Board Engineer Smith recommended that the Board deem the application complete and schedule it for a hearing. He stated that a new tax certification will need to be supplied prior to the hearing and the Board Secretary should confirm that fees and escrow have been provided.

Mr. Feula made the motion to deem the application complete as outlined by Board Engineer Smith. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

DISCUSSION:

Ordinance Discussion

Board Secretary Schemm requested that the Board consider a recommendation that the checklists be modified to request 17 copies of documentation, instead of the 11 as noted. It was suggested that a memo be sent to the Governing Body requesting the checklists be amended to request 17 copies of documentation

Master Plan Update

Board Attorney Gold stated that the Board is still waiting on the report from the Board Planner on the Master Plan Amendment. Chairman Fernandez requested that the Board Secretary send an email to Board Planner Banisch requesting a status update.

Master Plan Subcommittee Update

Mr. Cullen briefed the Board on the Master Plan Subcommittee meeting. He stated that they reviewed the Master Plan and he stated that they feel that the current Master Plan addresses the Township's concerns. Chairman Fernandez asked if the Board can receive copies of the pertinent areas of the Master Plan. Mr. Cullen asked if the Township can obtain the Master Plan documents in a searchable "PDF" format. The Board asked that a memo be sent to the Township Clerk asking that she request from Mr. Zimmerman, the Master Plan documents in a pdf/word searchable format.

Mr. Cullen stated that he feels that there may be additional wording that can strengthen the Ordinance, which the Board discussed.

Site Plan Committee Report-None

EXECUTIVE SESSION:

Mr. Norton made the motion to go into Executive Session at 10:12 p.m. to discuss pending litigation. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

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2. The general nature of the subject matter to be discussed is as follows: Pending Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: February 8, 2016

Mr. Ulmer made the motion to come out of Executive Session at 10:52 p.m. with no action taken. Motion seconded by Mr. Norton. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

MINUTES:

The Supplemental Clarification Executive Session Minutes of May 18th, 2015, were distributed.

Mr. Feula made the motion to approve the minutes. Motion seconded by Mr. Cullen. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Rafalko and Mr. Kelsey.

The Executive Session Minutes of January 11, 2016, were distributed.

Mr. Kelsey made the motion to adopt the Executive Session Minutes of January 11, 2016. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Ulmer, Mr. Rafalko, Mr. Kelsey, and Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Norton

BILLS:

	<u>NJPO</u>	
Re: Dues		400.00
	<u>Finelli Consultants</u>	
Re: General		287.50
	<u>William Gold</u>	
Re: General		924.00
Re: Meidling/Landolfi		54.45
Re: Top of the Hill		54.45

Mr. Feula made the motion to approve the vouchers. Motion seconded by Mrs. Walter. Roll call vote: Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded
Abstain: None recorded

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:57 p.m. Voice vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Rafalko, Mr. Ulmer, Mr. Norton, and Chairman Fernandez.

Nays: None recorded
Abstain: None recorded

Respectfully submitted,

Alfia Schemm
Board Secretary
3/18/16