

# INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – April 17, 2017

The Independence Township Land Use Board met for a regular meeting on Monday, April 17, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:32 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.

**OATH OF OFFICE:** Board Attorney William Gold administered the oath of office to Ms. Milano.

## **ROLL CALL:**

Present:	Muriel Walter	Carmen Feula
	George Ulmer	Donald Engels
	Glen Cogle	Robert Best
	Lucy Carvino	Ricardo Fernandez
	Melissa Milano	Geoffrey Cullen ( arrived at 7:59 p.m.)
Absent:	James Kelsey	Tim Norton
	Mark Rafalko	

Also Present: William Gold, Esq. Kevin Smith, P.E.  
David Banisch, P.P.

## **MINUTES:**

The Regular Minutes and Executive Session Minutes of the March 20, 2017 meeting were distributed prior to the meeting.

Ms. Walter made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Ms. Carvino, Mr. Fernandez, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Best, Mr. Engels, and Ms. Milano, who were not present at the March meeting and are not eligible to vote on the minutes.

The Executive Session Minutes of the February 13, 2017 meeting were distributed prior to the meeting.

Mrs. Walter made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Ms. Carvino, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Fernandez, Mr. Best, and Ms. Milano, who were not present at the February meeting and are 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.

## **MEMORIALIZING RESOLUTIONS:**

**#17-001 Richard Miller, Block 9, Lot 87**

Board Attorney Gold reviewed the draft Resolution, with the Board.

Mr. Ulmer made the motion to adopt the Resolution. Motion seconded by Mr. Feula. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, and Mr. Ulmer.  
Nays: None recorded  
Abstain: Mr. Best, Mr. Engels, and Ms. Milano, who were not present at the March meeting and are not eligible to vote on the Resolution and Ms. Carvino who was acting as an Alternate Member at the March meeting.

**OTHER BUSINESS:**

**Independence Twp. Communications Tower, Block 21, Lot 50-Courtesy Presentation**

Board Attorney Gold reviewed that Board Engineer Smith had contacted him about making tonight's presentation and in his opinion, he does not see a conflict.

Board Engineer Smith reviewed the proposal and described the plan submission to construct a cellular tower on the Township property. It was noted that cellular service is needed within the Township. Chairman Fernandez stated that any tower should accommodate co-locators. Mr. Cullen arrived. Several modifications/suggestions were noted by Board Planner Banisch. Chairman Fernandez stated that he can provide Bid Specifications that can be used as a template. The Board discussed the pros and cons of a monopole vs. a truss pole and Bid Alternatives. Chairman Fernandez stated that public safety/repeaters should be included in the proposal. Board Planner Banisch also addressed offsite landscaping. The Board Members were polled and gave their input regarding: notice to adjacent property owners, RF transmissions and health concerns, the type of transmissions, lighting, location, bid packets, the soils and fill, coverage, and decommissioning. Chairman Fernandez reviewed possible talking points: maximize co-location; public safety/repeaters should be included; base bid should be a monopole and alternatives (monopole, tree, truss tower); color (blue or steel gray); decommissioning language; landscaping; courtesy notice to adjoining property owners and possibly the Board of Education and general notice to the public can be included in the Bid Advertisement. It was noted that there are experienced individuals on the Board which can be helpful.

Chairman Fernandez made the motion to recommend that the Governing Body move forward with the bidding process, as discussed this evening. Motion seconded by Mr. Feula. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Engels, Mr. Cullen, Ms. Milano, and Mr. Ulmer.  
Nays: None recorded  
Abstain: Alternate #4 Ms. Carvino

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

Mr. Feula updated the Board on a meeting that was held and he stated that they will be going before the AG Board. The Board discussed the issues. Mr. Feula stated that he will continue to keep the Board updated on the matter.

**Land Use Committee-Highlands/Affordable Housing**

Board Planner Banisch stated that he believes that the Township is close to an agreement and he commented on the status of the Plan Conformance process.

**Ordinance #2017-04**

The Board reviewed the draft Ordinance distributed which is between first and second reading. It was noted that there were no substantive changes.

Mr. Ulmer made the motion to recommend the Ordinance for adoption. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Engels, Mr. Cullen, and Mr. Ulmer.  
Nays: None recorded  
Abstain: Ms. Milano and Alternate #4 Ms. Carvino

**Ordinance Discussion**

The Board reviewed the action that was taken years ago in regards to the distributed Ordinance.

Mr. Ulmer made the motion to re-recommended the Ordinance to the Governing Body. Motion seconded by Mr. Cullen.

Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Cullen, and Mr. Ulmer.  
Nays: None recorded  
Abstain: Mr. Engels, Ms. Milano and Alternate #4 Ms. Carvino

**DISCUSSION:**

**Site Plan Committee Report**

None

**Ordinance Subcommittee-Recommendation**

None

**Master Plan Subcommittee Update**

None

**BILLS:**

**Finelli Consultants**

Re: Miller 515.00  
Re: General 402.50  
Re: Top of the Hill 773.75

**William Gold**

Re: General 495.00  
Re: Miller 577.50  
Re: Woodmont 247.50

**NJ Advanced**

Re: Notices 12.34

Mr. Best made the motion to approve the vouchers. Motion seconded by Mr. Ulmer. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Engels, Mr. Cullen, Ms. Milano, and Mr. Ulmer.

Nays: None recorded  
Abstain: Alternate #4 Ms. Carvino

**OTHER:**

**#17-002 Woodmont Independence Urban Renewal, Block 6.02, Lot 3**

Application packets are available for pick up this evening. Chairman Fernandez asked that the Redevelopment Plan also be distributed. Board Engineer Smith stated that he received a telephone call from the Developer asking if the Board would consider both completeness and a possible public hearing at the May meeting. The Board was polled and they agreed.

Board Planner Banisch stated that he is not available for the May meeting, but he can prepare a Report and send someone from his office.

Mr. Feula made the motion to agree to deal with completeness and a possible hearing, for Woodmont Independence, at the Board's May meeting. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Engels, Mr. Cullen, Ms. Milano, and Mr. Ulmer.

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino

**ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 9:20 p.m. Voice vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Fernandez, Mr. Best, Mr. Engels, Mr. Cullen, Ms. Milano, and Mr. Ulmer.

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino

Respectfully submitted,

Alfia Schemm  
Board Secretary

5/11/17