

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – April 18, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, April 18, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman 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.

ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	Ricardo Fernandez	George Ulmer
	Mark Rafalko	Geoffrey Cullen
	Donald Engels	Melissa Milano
	Glen Cogle	James Kelsey

Absent:	Tim Norton	Robert Best
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Also Present:	William Gold, Esq.	Kevin Smith, P.E.
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MINUTES:

The minutes from the March 21, 2016 meeting were distributed prior to the meeting.

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

Nays: None recorded

Abstain: Mr. Engels and Mr. Cullen, who were not present at the March meeting and they 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.

RESOLUTIONS:

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

Board Attorney Gold reviewed the draft Resolution. He also addressed the voting that took place at the last meeting.

Chairman Fernandez made the motion to adopt the Resolution. Motion seconded by Mr. Ulmer. Discussion on the motion: Board Secretary Schemm asked if she should take the roll call vote on the first vote or the second vote. It was determined that the roll call vote should be on the final vote. Roll call:

Ayes: Mrs. Walter, Mr. Rafalko, Mr. Ulmer, Ms. Milano, and Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Engels, Mr. Cullen, who were not present at the March meeting; Mr. Kelsey who did not hear all of the testimony; and Mr. Feula and Mr. Cogle, who abstained on the final vote.

OLD BUSINESS:

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

After a brief discussion, this matter continues to be carried.

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Chairman Fernandez updated the Board on his conversation with Board Planner Banisch.

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

Board Attorney Gold reviewed his conversation with John Doyle and his request to have any information sent via PDF. He stated that based on his understanding, the latest submission received earlier today, deals with engineering modifications and it has been represented that there are no major changes to the proposal. The Board discussed the process and whether the Board Engineer should review the submission, as no escrow has been submitted. It was also discussed as whether the Board should request that the modifications be presented by the Applicants. Mr. Feula stated his concern over the project and its impact to Island Dragway. Board Attorney Gold stated that he can reach out and see if they are willing to come back to the Board to address the modifications to the proposal. It was also questioned whether the co-applicant should provide escrow money.

Robert Duryea, Entomologist at the Warren County Mosquito Commission, was present. He stated that the proposed project will be create stagnate/standing water that will attract mosquitoes. The cost to treat the 90 acres would be approx \$10,000 to \$27,000 depending on the product used. Also present was Wetlands Specialist Stephanie Oliphant who commented on the project. Mr. Duryea addressed the various mosquitoes that carry diseases and the organic pesticides that are used to spray. The Board discussed the impact to the County. It was noted that the Board would ask that the Applicants come back to review the modifications. The Board also thanked Mr. Duryea and Ms. Oliphant for coming this evening and the Board also invited them to come back. Board Attorney Gold stated that he did ask if the DEP had a Master Plan for the future.

Mr. Cogle made the motion to hold off having Board Engineer Smith review the submission, until a summary is received. Board Secretary Schemm stated that there was an email received this afternoon, which Board Attorney Gold read into the record. Mr. Cogle withdrew his motion.

Mr. Cogle made the motion to not have Board Engineer Smith review the revised submission, without financial compensation. Motion seconded by Mr. Engle. Roll call vote:

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

Nays: None recorded

Abstain: Chairman Fernandez and Ms. Milano who is an Alternate this evening.

The Board discussed alerting the Township Committee, the Freeholders, and the public about the concerns that were raised. Mr. Feula stated his concern over the impact to Island Drag way and the neighboring residents. The Board also discussed the preservation of land, altering land, and the funding of future projects.

Master Plan Discussion

Mr. Cullen stated that the subcommittee would like to distribute their findings in reviewing the Master Plan electronically once it is finalized. He stated at this time they do not see a need to amend the Master Plan.

OPEN TO THE PUBLIC:

Karen Heffner was present and she stated that she was going to purchase a home within the Township and she may rescind her offer as she does not want to be neighbors with the mosquitoes.

EXECUTIVE SESSION:

Mr. Feula made the motion to go into Executive Session to discuss pending litigation. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening

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: April 18, 2016

Mr. Feula made the motion to come out of Executive Session at 9:17 p.m., with no action taken. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening

BILLS:

Finelli Consultants

Re: Meidling	661.25
Re: Burd	201.25

William Gold

Re: General	825.00
Re: Meidling/Landolfi	618.75

NJ Advance Media

Re: Notice	12.34
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Mr. Cogle questioned the Finelli voucher for Meidling. After a brief discussion it was agreed to hold that voucher.

Mr. Cogle made the motion to hold the Finelli voucher. Motion seconded by Mr. Kelsey.
Roll call vote:

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

Nays: None recorded

Abstain: Mr. Engels and Mr. Cullen, and Ms. Milano who is an Alternate this evening

Mr. Cogle made the motion to pay the remainder of the bills. Motion seconded by Mr.
Kelsey. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening

ADJOURNMENT

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

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening

Respectfully submitted,

Alfia Schemm
Board Secretary

5/16/16