

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – May 16, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, May 16, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:38 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
	Geoffrey Cullen	Donald Engels
	Melissa Milano	Glen Cogle
	James Kelsey	Tim Norton

Absent:	Mark Rafalko	Robert Best
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Also Present:	William Gold, Esq.	Kevin Smith, P.E.
	David Banisch, PP	

MINUTES:

The minutes from the April 18, 2016 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. Ulmer, Mr. Cogle, Ms. Milano, Mr. Kelsey, Mr. Engels, Mr. Cullen, and Chairman Fernandez.

Nays: None recorded

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

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public, for non-agenda items.

Mr. Feula reviewed the concerns that have been raised in regards to the Kenco project. He introduced the following individuals present this evening: District 23 Representative Helen Carew, Allamuchy Township Mayor Keith DeTombour, Independence Mayor Giordano, and Carol Cook from Blairstown. Mayor Giordano stated his frustration that the DEP refuses to appear before the Township to address the proposal. He stated his concerns over the proposal and he asked for support. The Board reviewed and discussed the proposal and Chairman Fernandez stated that the Board understands the concerns.

Members of the public questioned the timeline of when the DEP plans on implementing the proposal and how residents can get the necessary details so that they can voice their objections. The Board addressed the comment period and Board Attorney Gold described the project. He stated that all of the submitted materials are available for public review at the Municipal Building. The Board continued to discuss the matter with the public.

Keith DeTombour, Mayor of Allamuchy, stated that Allamuchy is very concerned with the project and he wanted to let Independence know that Allamuchy stands with them in fighting the proposal. He asked that they be kept informed on the status of the matter.

Members of the public continued to state their concerns with the proposal in regards to flooding, mosquitoes, and the effect on property values.

Carol Cook stated that she is running for Freeholder and she thinks that the Freeholders need to be informed on what is being proposed. She also stated that she thinks that the DEP needs to address the concerns raised and she suggested getting the media involved.

The Board continued to discuss the project, the overview that was presented to the Board, the concerns/comments that were provided by the Board, and the lack of feedback from the DEP. Mr. Feula stated that we have to really have to band together to try and stop the project. The concerns over the loss of farmland was discussed.

Allamuchy Mayor DeTombour recommended that the Lieutenant Governor be contacted.

The public and the Board continued to discuss the matter and the lack of discussion on this proposal by the DEP.

Paul Weisenstein questioned the Top of the Hill proposal. The Board stated that there is no application presently before the Board and Mr. Weisenstein will be able to provide comments at the appropriate time, when there is a public hearing. It was reviewed that letters are not admissible.

Board Attorney Gold stated that there is an activity number and file number, for the Kenco application, that can be provided to the public.

The public asked how they can get updates on the matter. Mayor Giordano stated that there will be information posted on the Township Website.

Chairman Fernandez asked if there was any further public comment. With there being no further public comment, the meeting was closed to the public.

In a motion made by Chairman Fernandez and seconded by Mr. Cogle, the Board took a brief recess. Voice vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening.

In a motion made by Mrs. Walter and seconded by Mr. Cogle, the meeting resumed at 8:55 p.m. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening.

OLD BUSINESS:

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

This matter continues to be carried.

#14-003 North Central Realco, LLC, Block 11, Lot 15.03-Minor Subdivision

Michael Selvaggi, Esq. was present on behalf of the Applicant. He stated that they have provided the DEP with the adopted Minor Subdivision Resolution and the DEP is questioning access to remainder Lot 11. The Board discussed the testimony provided during the hearing and what was presented. Board Engineer Smith stated that the Township Ordinance does not permit any new common driveways and the Board did not grant a variance as it was not requested. Attorney Selvaggi stated that they will be coming in soon for the Top of the Hill project.

Mr. Ulmer made the motion to have Board Attorney Gold draft a letter outlining the Board's position. Motion seconded by Mr. Feula. Roll call vote:

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

Nays: None recorded

Abstain: Mr. Cogle and Ms. Milano who is an Alternate this evening.

NEW BUSINESS:

#16-003 Robert Burd, Block 30, Lot 1-Completeness

Michael Selvaggi, Esq. was present on behalf of the Applicant. Board Engineer Smith reviewed the completeness report of May 13, 2016 and he recommended that the application be deemed complete, to grant the waivers, and to schedule a hearing, as long as the incomplete items be submitted at least 10 days prior to the June meeting.

Mr. Ulmer made the motion to deem the application complete. Motion seconded by Mr. Feula. Board Secretary Schemm asked if the application is for a "D" variance. As it is a "D" variance, Mr. Cogle and Mr. Feula are not eligible to act on this matter.

Mr. Norton made the motion to deem the application complete. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Mr. Cogle and Mr. Feula who are not eligible and Ms. Milano who is an Alternate this evening.

Board Planner Banisch commented on the impervious coverage calculation, the parking configuration should be addressed, and that there are site plan details outlined in his prior report that should be shown on the plan. It was noted that this matter would be scheduled for June 20th.

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Board Planner Banisch updated the Board on the Affordable Housing matter, which was discussed with the Board. Mr. Feula commented on pulling out of the process and his concerns over the funding. It was noted that the Township has immunity until October 31st. Mr. Cogle asked if Board Planner Banisch can provide a copy of Judge Miller's ruling to the Township Clerk.

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

Board Attorney Gold stated that he does not think there is a need for any additional comments at this time.

Spender Family Trust, Block 1, Lot 29

Board Attorney Gold stated that the Board has been copied on information that pertains to an application in Mansfield Township, where none of the activity is taking place in Independence. Board Engineer Smith reviewed the proposal and he stated that there is no change, detriment, or impact to the property in Independence. Chairman Fernandez stated that as long as the existing access, is kept the way it is, he does not feel that it needs to be heard by this Board.

Mr. Cogle made the motion to waive hearing this matter, unless there is site work that will affect the access/property in Independence. Motion seconded by Mr. Norton. Roll call vote:

- Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cogle, Mr. Norton, Mr. Kelsey, Mr. Engels, Mr. Cullen, and Chairman Fernandez.
- Nays: None recorded
- Abstain: Ms. Milano who is an Alternate this evening.

Master Plan Discussion

Deferred

Correspondence

Mrs. Walter questioned the LOI correspondence, which was addressed by the Board.

MINUTES:

The minutes from the April 18, 2016 Executive Session meeting were distributed this evening.

Mr. Feula made the motion to adopt the April 18th, 2016 Executive Session minutes. Motion seconded by Mrs. Walter. Roll call vote:

- Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cogle, Ms. Milano, Mr. Kelsey, Mr. Engels, Mr. Cullen, and Chairman Fernandez.
- Nays: None recorded
- Abstain: Mr. Norton who was not present at the April meeting and he is not eligible to vote on the Minutes.

BILLS:

	<u>Finelli Consultants</u>	
Re: Meidling		661.25
	<u>William Gold</u>	
Re: General		536.75
Re: Meidling/Landolfi		62.45
Re: North Central Realco		165.00
Re: Burd		82.50
Re: Pio Costa		62.45

Mr. Feula made the motion to approve the vouchers. Motion seconded by Mr. Norton. Roll call vote in favor:

- Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Norton, Mr. Kelsey, Mr. Engels, Mr. Cullen, and Chairman Fernandez.
- Nays: None recorded
- Abstain: Mr. Cogle and Ms. Milano who is an Alternate this evening.

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:04 p.m. Voice vote:

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

Nays: None recorded

Abstain: Ms. Milano who is an Alternate this evening.

Respectfully submitted,

Alfia Schemm
Board Secretary
6/20/16