INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – June 20, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, June 20, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:33 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 Mark Rafalko

Glen Cougle Melissa Milano (arriving at 7:37 p.m.)

James Kelsey (arriving at 7:40 pm)

Absent: Donald Engels Robert Best

Tim Norton

Also Present: William Gold, Esq. David Banisch, PP

MINUTES:

The minutes from the May 16, 2016 meeting were distributed prior to the meeting.

Mr. Cougle made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call

vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cougle, Mr. Cullen, and

Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Rafalko, who was not present at the May meeting and he is not eligible to

vote on the Minutes.

After a very brief discussion, Mr. Cougle asked that the word "defer" be changed to "waive" in regards to the action taken on the Spender request. The Board agreed to that modification.

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. Ms. Milano arrived.

MEMORIALIZING RESOLUTION:

Spender Family Trust, Block 1, Lot 29

Board Attorney Gold reviewed the draft Resolution. Several clarifications were suggested and the matter was discussed. It was recommended that the Board defer action on the adoption of the Resolution until the July meeting, so the necessary modifications can be made to the Resolution. Mr. Kelsey arrived.

OLD BUSINESS:

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

Chairman Fernandez questioned the status of the Redevelopment Agreement. Both Mr. Cougle and Mr. Feula stated that the matter is moving along.

NEW BUSINESS:

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

Michael Selvaggi, Esq. sent a letter requesting that this matter be carried to the Board's July meeting.

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Board Planner Banisch asked that he update the Board on Affordable Housing in Executive Session

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

Mr. Feula read a letter into the record that was received from Cindy Randazzo. The Board reviewed the status of the matter. Chairman Fernandez stated that he might be able to set up a meeting. Mr. Feula asked that Chairman Fernandez set up a meeting if possible. The Board continued to discuss the matter.

Master Plan Subcommittee

Chairman Fernandez thanked the subcommittee for their work. Board Planner Banisch stated that he feels that the material that was provided is a good basis for a Master Plan Amendment. He stated that he feels that a separate budget line item will be necessary. It was suggested that the Township get an estimate on the cost.

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public.

Rich Miller of 3 Fern Drive stated his frustration regarding the Highlands Act, which was discussed at great length with the Board.

With there being no further public comment, the meeting was closed to the public.

EXECUTIVE SESSION:

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

Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cougle, Mr. Cullen, Mr. Kelsey, Ms.

Milano, Mr. Rafalko, 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: Negotiations and 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: June 20, 2016

Mr. Ulmer made the motion to come out of Executive Session. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cougle, Mr. Cullen, Mr. Kelsey, Ms.

Milano, Mr. Rafalko, and Chairman Fernandez.

Nays: None recorded Abstain: None recorded

Board Attorney Gold stated that a possible settlement of the Affordable Housing numbers was discussed in Executive Session.

BILLS: Finelli Consultants

Re:	Burd	286.25
Re:	General	287.50
Re:	North Central Realco	201.25
<u>William Gold</u>		
Re:	General	618.75
Re:	Spender	247.50
Re:	North Central Realco	206.25

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

Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cougle, Mr. Cullen, Mr. Kelsey, Ms.

Milano, Mr. Rafalko, and Chairman Fernandez.

Nays: None recorded Abstain: None recorded

Mr. Cougle asked if escrow account was set up for Spender Family Trust. Both Board Attorney Gold and Board Secretary Schemm stated that an escrow was set up.

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 9:44 p.m. Voice vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cougle, Mr. Cullen, Mr. Kelsey, Ms.

Milano, Mr. Rafalko, and Chairman Fernandez.

Nays: None recorded Abstain: None recorded

Respectfully submitted,

Alfia Schemm Board Secretary 7/18/16