

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – July 18, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, July 18, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Vice Chairman Engels called the meeting to order at 7:39 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
George Ulmer Glen Cogle
Donald Engels James Kelsey

Absent: Robert Best Melissa Milano
Tim Norton Ricardo Fernandez
Geoffrey Cullen Mark Rafalko

Also Present: William Gold, Esq. Kevin Smith, PE

MINUTES:

The minutes from the June 20, 2016 meeting were distributed prior to the meeting.

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

Nays: None recorded

Abstain: Mr. Engels, who was not present at the June meeting and he is not eligible to vote on the Minutes.

OPEN TO THE PUBLIC:

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

MEMORIALIZING RESOLUTION:

Spender Family Trust, Block 1, Lot 29

Board Attorney Gold reviewed the modified Resolution. Mr. Feula made the motion to adopt the Resolution. Motion seconded by Mr. Ulmer. Roll call:

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

Nays: None recorded

Abstain: Mr. Engels.

OLD BUSINESS:

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

No update at this time. This matter continues to be carried.

NEW BUSINESS:

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

Michael Lavery, Esq. was present on behalf of the Applicant. He stated that based on a new survey they meet the standards of the conditional use and they are present for site plan approval.

Wassim Y. Nader was present and he was sworn in as a Civil Engineer and he reviewed the error and he stated that revisions will be made. Board Engineer Smith reviewed the outstanding items, that were outlined in his May 13th report and that have now been supplied. Engineer Nader displayed the submitted drawings, which were marked as an Exhibit:

A-1 Drawings, revision date 7-6-16

The Applicants went on to review the location of the subject property and the existing conditions. Attorney Lavery addressed the conditions of the conditional use.

Robert H. Burd was sworn in and he described the various equipment that will be on the site and the prior uses of the property.

The Applicants went on to review the technical comments outlined in Board Engineer Smith's 7-18-16 report. Acknowledging the existing impervious coverage was reviewed and discussed. The Applicants continued to review the technical comments and provide the proofs for the conditional use and the relief being requested.

Brian Harchar, Independence Township Volunteer Fire Department Chief, stated that there are no concerns.

The hearing was opened to the public.

Thomas Bodolsky was sworn in and he stated that he feels that the area could be improved and the Board has an opportunity to request/make improvements. He also commented on the gravel piles, which was discussed. He stated his concern over the uncontrolled auto repair/parking and he suggested imposing a physical limit. Attorney Lavery stated that they intend to improve the site, but it was historically a yard and it will be now used to repair equipment. He stated that they intend to plant some landscaping and clean up the site for the use that is permitted in the zone. Mr. Bodolsky stated that he would like to see improvements depicted on a plan. He reviewed the Township Ordinance and he stated that the Board has an opportunity to spruce up the site.

Mr. Engels asked if there was anyone else from the public wishing to speak. With there being no other public comment, the hearing was closed to the public.

The Board discussed the prior uses, the existing conditions, the requirements of the Township Ordinance, and having the Board Engineer review the lighting, parking, and landscaping out in the field.

Mr. Feula stated that he would like to make a motion acknowledging the pre-existing condition of the property. Mr. Engels stated that although the site has pre-existing conditions, minor modifications can be required, which was discussed, with the Board and the Applicant.

Mr. Feula made the motion to approve the site plan application and grant the bulk variance relief, conditioned upon Board Engineer Smith's review and approval of the lighting, parking, landscaping, and gravel piles. Motion seconded by Mr. Ulmer. Roll call:

- Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cogle, Mr. Engels, and Mr. Kelsey.
- Nays: None recorded
- Abstain: None recorded

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Board Attorney Gold updated the Board on the Appellate Division decision regarding the gap, which was discussed with the Board.

MEMORIALIZING RESOLUTION:

Spender Family Trust, Block 1, Lot 29

Board Secretary Schemm stated that action taken by the Board was taken at the May meeting, when Mr. Engels was in attendance. It was suggested that a revote be taken, so that Mr. Engels can sign the Resolution.

Mr. Feula made the motion to adopt the Resolution. Motion seconded by Mr. Ulmer. Roll call:
Ayes: Mrs. Walter, Mr. Feula, Mr. Engels, Mr. Ulmer, Mr. Cogle, and Mr. Kelsey.
Nays: None recorded
Abstain: None recorded

OTHER:

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

Mr. Feula updated the Board on the conference call that he was involved in and the resubmission/modifications being proposed, which is scheduled for the LUB's September meeting. Board Attorney Gold stated that he is not available for the September meeting. After a brief discussion, it was agreed that Board Attorney Gold will notify Mr. Doyle and ask that they attend the October meeting instead and provide the Board with the information, perhaps electronically, for the September meeting.

EXECUTIVE SESSION:

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

Ayes: Mrs. Walter, Mr. Feula, Mr. Engels, Mr. Ulmer, Mr. Cogle, and Mr. Kelsey.
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: Possible 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: July 18, 2016

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

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

Nays: None recorded
Abstain: None recorded

Board Attorney Gold stated that the Executive Session was for anticipated litigation and consulting with Board Counsel. No action was taken.

BILLS:

Re: Burd **Finelli Consultants** 546.25

Re: Pio Costa **Banish Associates** 136.50
Re: North Central Realco 168.00
Re: General 786.50
Re: General 917.00

Re: Burd **William Gold** 82.50
Re: General/Litigation 577.50

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. Engels, Mr. Ulmer, Mr. Cogle, and Mr. Kelsey.
Nays: None recorded
Abstain: None recorded

MINUTES-EXECUTIVE SESSION:

Mrs. Walter made the motion to adopt the June executive session minutes. Motion seconded by Mr. Kelsey. Roll call vote in favor:

Ayes: Mrs. Walter, Mr. Feula, Mr. Ulmer, Mr. Cogle, and Mr. Kelsey.
Nays: None recorded
Abstain: Mr. Engels.

ADJOURNMENT

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

Ayes: Mrs. Walter, Mr. Feula, Mr. Engels, Mr. Ulmer, Mr. Cogle, and Mr. Kelsey.
Nays: None recorded
Abstain: None recorded

Respectfully submitted,

Alfia Schemm
Board Secretary
8/11/16