

# INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – July 17, 2017

The Independence Township Land Use Board met for a regular meeting on Monday, July 17, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo 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. Chairman Fernandez then provided the procedure for this evening.

## ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	George Ulmer	James Kelsey
	Ricardo Fernandez	Mark Rafalko
	Lucy Carvino	Melissa Milano
	Geoffrey Cullen	Tim Norton

Absent:	Robert Best	Glen Cogle
	Donald Engels	

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

## MINUTES:

The Regular Minutes of the June 19, 2017 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. Rafalko, Mr. Fernandez, Mr. Cullen (who listened to the audio of the meeting), and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Norton, Mr. Kelsey, Ms. Milano, Ms. Carvino, who were not present at the June meeting and is not eligible to vote on the minutes.

## OPEN TO THE PUBLIC:

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

A member of the public questioned the procedure in regards to notice. Chairman Fernandez stated that the Woodmont application was noticed once and the remainder of the hearings were carried from meeting to meeting, without further public notice.

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

## COMPLETENESS:

### **#17-003 Rudy DelVecchio, Block 17, Lot 14-Certificate of Non-Conformity**

Chairman Fernandez noted that he was advised that there was an issue with the notice that was provided and that the notice would need to be redone. He advised Mr. DelVecchio that because of the heavy agenda, the Board cannot guarantee that he will even be heard this evening. Board Attorney Gold and Chairman Fernandez recommended that Mr. DelVecchio renote for the August meeting. Mr. DelVecchio noted his frustration with having to apply for the certificate.

Mr. Norton made the motion to carry this matter to the Board's August 21st meeting. Motion seconded by Mr. Kelsey. Roll call vote:

- Ayes: Mrs. Walter, Mr. Feula, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Ms. Milano, Mr. Fernandez, and Mr. Ulmer.
- Nays: None recorded
- Abstain: Alternate #4 Ms. Carvino

Mr. DelVecchio stated his frustration with having to renotice and the form of the notice, which was not provided to him. Chairman Fernandez apologized for the inconvenience.

**OLD BUSINESS:**

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

Glen Kienz, Esq. was present on behalf of the Applicant. Both Attorney Kienz and Chairman Fernandez reviewed where they left off at the last meeting and the hearing process for this evening. Board Attorney Gold reviewed the rules of testimony that is provided under oath. He stated that the Board cannot accept or consider written letters, emails, and petitions. He reviewed the appeal process and the development of the record.

The hearing was opened to the public for questions of Richard Arzberger, who acknowledged that he was still under oath.

Jacqueline Geisheimer questioned the height of the building and whether the fire department has sufficient equipment to handle a fire. Mr. Arzberger addressed the height of the building and he stated that plans were submitted to the Fire Department. Board Planner Banisch also addressed the Redevelopment Plan standards. Both Chairman Fernandez and Board Attorney Gold reviewed the Redevelopment process.

Eugene Harney questioned the radon filtration system, emergency generator, the retaining wall, and the removal of the trees.

Board Attorney Gold swore in Kathy Ferejohn as a Sign Language Interpreter. Also present was Sign Language Interpreter Stephen Toth who was present at the last meeting and acknowledged that he was still under oath.

Mr. Harney continued to ask questions and Board Attorney Gold reviewed the procedure and presently the hearing is open to the questions of the Architect.

Leslie Wolfe questioned the geotechnical report. The Applicant stated that a report is being prepared. Chairman Fernandez stated that the hearing is open right now for the architect.

Marilyn Ryan questioned the suitability of the site. The Board reviewed the prior approval granted to the site and the Redevelopment process.

Board Attorney Gold acknowledged that the Sign Language Interpreter Stephen Toth is still under oath.

Joe Vacca asked if there is any future plans to construct more buildings. Attorney Kienz stated that there are no plans for future development.

Michele Barreiro questioned the bedroom breakdown of the proposed units. It was testified that there are going to be 32 one bedrooms, 85 two bedrooms, and 3 three bedrooms.

Elizabeth Caruso questioned the impact of the light during the day from the proposal. Mr. Arzberger stated that they do not have that information.

Mary Gladfelter questioned the amenities and what the rent will be. Mr. Arzberger addressed the amenities and it was stated that the rent will be market driven.

Christine Klenja questioned the units that will have balconies, which was addressed by the Applicants and the Board.

Joshua Deeney also questioned the balconies, which was addressed by the Board and the Applicants.

With there being no further questions, the hearing was closed for questions of Mr. Arzberger.

Eric Keller was then sworn in and he provided his qualifications as a Traffic Engineer. He then presented his testimony on the traffic report that was submitted, dated March 21, 2017. He stated that the County has jurisdiction over the County Roads and the Board has oversight on the internal traffic circulation. The Board questioned the study that was done, the DOT data, and the counts that were taken.

The Board took a brief recess at 9:16 p.m. The meeting resumed at 9:25 p.m. A roll call was taken of the Board Members present: Mrs. Walter, Mr. Feula, Mr. Norton, Ms. Milano, Ms. Carvino, Mr. Fernandez, Mr. Cullen, Mr. Rafalko, Mr. Ulmer, and Mr. Kelsey.

The Board continued to question Mr. Keller on the traffic data and the trip calculations. Mr. Keller then addressed the RSIS and the onsite circulation. He also addressed the alternate access, the boulevard entrance, and fire equipment onsite circulation, which was discussed with the Board at great length. The Applicants stated that they did provide a set of plans to the Fire Department on April 6th and they have not received any comments. The Board continued to discuss the proposal with the Applicants.

Ernest Kinney, President of the Independence Fire Department, and Past Chief of the Fire Company, addressed the agreement between the Fire Companies.

Chairman Fernandez asked that the Applicant provide a mock up of the entryway to address the circulation.

The hearing was opened to the public.

Kathy Kararas asked about the traffic study that was done on a holiday weekend and she also commented on the school bus stops. Mr. Keller stated that traffic study is reviewed by the County and the school bus stops will be addressed by the School Board.

Santina Marquart questioned the location of the traffic studies. Mr. Keller outlined the location of the traffic studies.

Dennis Peterson questioned the traffic counts, which was addressed by the Board and Mr. Keller.

Joe Vacca questioned the traffic counts, which was addressed by Mr. Keller.

Eugene Harney asked if there is any information regarding the number of accidents in the area. Mr. Keller stated that he does not have any information on the number of accidents.

Christine King questioned the traffic counts and school buses along with shift work at M&M Mars. Board Engineer Smith asked about the June study. Mr. Keller stated that they will supplement their March traffic report with another supplemental report.

Cathy Vanorden asked about a study on the intersection of Willow Grove and Route 46. Mr. Keller stated that they were not asked to do that study.

Carolyn Gerer questioned the traffic counts, which was addressed by Mr. Keller.

Susan Cullen questioned the impact of the boulevard entrance on Building 1, which was addressed by Mr. Keller.

Patrick Addison addressed the Fire Equipment and he questioned the access road, which was addressed by the Applicant and the Board.

Chairman Fernandez noted that it is getting late and he stated that he would like to adjourn the hearing at this time and continue with the public questions at the August meeting. Board Attorney Gold

Mr. Ulmer made the motion to adjourn the hearing and carry it to the board meeting of August 21, 2017, without further public notice. Motion seconded by Mr. Norton. Discussion on the motion: Members of the public questioned who will be returning in August. Chairman Fernandez stated that Mr. Keller will be in attendance and that all questions are to be asked after the testimony of each witness, so that they can be excused. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Ms. Milano, Mr. Fernandez, and Mr. Ulmer.

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino

**OTHER BUSINESS:**

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

No update

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

Deferred

**DISCUSSION:**

**Site Plan Committee Report**

**None**

**Ordinance Subcommittee-Recommendation**

None

**Master Plan Subcommittee Update**

None

**BILLS:**

**Finelli Consultants**

Re: Woodmont	680.00
Re: Top of the Hill	232.50

**Stephen Toth**

Re: Woodmont	500.00
--------------	--------

**Banisch**

Re: Miller	269.00
Re: Woodmont	3386.70
Re: General	866.20

**William Gold**

Re: Woodmont	1856.25
Re: DelVechechio	165.00

Mr. Feula made the motion to approve the bills. Motion seconded by Mrs. Walter. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Ms. Milano, Mr. Fernandez, and Mr. Ulmer.  
 Nays: None recorded  
 Abstain: Alternate #4 Ms. Carvino

**ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 10:42 p.m. Voice vote:  
 Ayes: Mrs. Walter, Mr. Feula, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Ms. Milano, Mr. Fernandez, and Mr. Ulmer.  
 Nays: None recorded  
 Abstain: Alternate #4 Ms. Carvino

Respectfully submitted,

Alfia Schemm  
 Board Secretary  
 8/21/17